



## Adult Protective Services Funding Workgroup

### REPORT TO THE DEPARTMENT OF JOB AND FAMILY SERVICES September 25, 2014 (*updated December 5, 2014*)

#### BACKGROUND

Section 751.130 of Ohio House Bill 483 of the 130<sup>th</sup> General Assembly established the Adult Protective Services (APS) Funding Workgroup. The language instructs the workgroup to investigate programmatic or financial gaps in the adult protective services system, identify best practices currently employed at the county level as well as those that can be integrated into the system, identify areas of overlap and linkages across all human services programs, and coordinate with the Children Services Funding Workgroup in the Department of Job and Family Services. Section 751.130 requires the Workgroup to make recommendations to the Department of Job and Family Services about a distribution method for the \$10 million in appropriation item 911-421 for possible submission to the Controlling Board.

#### MEMBERSHIP

Jennifer Justice, Ohio Department of Job and Family Services  
Michael McCreight, Ohio Department of Job and Family Services  
Dan Schrieber, Office of Budget and Management  
Greg Moody (chair), Office of Health Transformation  
Beverly Laubert, Ohio Department of Aging  
Jen Seidel, Governor's Office  
Adreana Tartt, Ohio Department of Mental Health and Addiction Services  
Vicki Jenkins, Ohio Department of Developmental Disabilities  
Brandi Nicholson, Ohio Department of Medicaid  
Mike Dovilla, Ohio House of Representatives  
Bob Hagan, Ohio House of Representatives  
Bill Coley, Ohio Senate  
Michael Skindell, Ohio Senate  
Jon Fisher, Director, Licking County JFS  
Joel Potts, Ohio Job and Family Services Directors' Association  
Laura Abu-Absi, County Commissioners Association of Ohio  
Bill Sundermeyer, AARP  
Cindy Farson, Ohio Association of Area Agencies on Aging  
Sylvia Pla-Raith, Ohio Coalition for Adult Protective Services  
Georgia Anetzberger, National Committee for the Prevention of Elder Abuse

## **SCHEDULE**

The APS Funding Workgroup met on the following dates:

July 31, 2014  
August 7, 2014  
August 21, 2014  
September 4, 2014  
September 11, 2014  
September 18, 2014  
September 25, 2014  
November 13, 2014  
December 5, 2014

## **RESOURCES**

The APS Funding Workgroup relied on earlier research, reports, and recommendations as the context and foundation for its recommendations. The following list is not exhaustive, but includes background material the Workgroup identified as important:

[National Adult Protective Services Association Resource Center](#)  
[National Center on Elder Abuse](#)  
[Clearinghouse on Abuse and Neglect of the Elderly](#)  
[Elder Justice Roadmap \(2014\)](#)  
[Opportunities for Savings through Economies of Scale in APS \(2013\)](#)  
[An update on the nature and scope of elder abuse \(2012\)](#)  
[Under the Radar: New York State Elder Abuse Prevalence Study \(2011\)](#)  
[Prevalence and Correlates of Abuse and Potential Neglect in the United States \(2010\)](#)  
[The 2004 Survey of State APS \(2006\)](#)  
[Ohio Elder Abuse Task Force Final Report \(2005\)](#)  
[APS authority in the Ohio Revised Code \(5101.60 to 5101.72\)](#)  
[House Bill 49 as passed by the Ohio House \(2014\)](#)

## **PROCESS**

### **INVESTIGATE PROGRAMMATIC OR FINANCIAL GAPS IN THE APS SYSTEM**

Section 751.130 requires the APS Funding Workgroup to investigate programmatic or financial gaps in the adult protective services system. The Workgroup reviewed the existing authority to administer APS programs in Ohio and current sources of funding, and observed not a statewide system but a collection of county-based programs that vary widely in capability.

## **Current Authority<sup>1</sup>**

Ohio has shown its concern about elder abuse by enacting related laws and giving state agencies specific functions to address the problem. These laws are both civil and criminal. Some relate to elder abuse in the community and others in facility-based care settings. Certain laws are directed specifically at elder abuse (e.g., APS law), some include older people among other protected populations (e.g., persons with intellectual or developmental disabilities), and some only indirectly cover elder abuse (e.g., statutes regarding theft, rape, and homicide).

State health and human service agencies and their local representatives have roles in elder abuse prevention and treatment. For some agencies, this role is federally mandated (e.g., from the Older Americans Act for the Ohio Department of Aging and its Area Agencies on Aging). For others it comes from state mandate (e.g., APS law for the Ohio Department of Job and Family Services (ODJFS) and its county APS programs). In addition, the Ohio Attorney General's Office and Ohio Departments of Developmental Disabilities, Health, Insurance, Medicaid, and Mental Health and Addiction Services have responsibilities and programs that protect elderly Ohioans.

In addition to state agencies, numerous state and local associations in Ohio provide leadership combatting elder abuse. Many represent professional networks. Most have demonstrated their interest through prevention, education, and advocacy activities. They include the Ohio Coalition for Adult Protective Services, Ohio Domestic Violence Network, Action Ohio, Ohio Association of Area Agencies on Aging, Ohio Association of Regional and Long-Term Care Ombudsmen, the Center for Community Solutions, and the Buckeye Sheriff's Association.

## **Ohio's APS Law**

In Ohio, "adult protective services" means services provided by the county department of job and family services (CDJFS) or its designated agency to an individual 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. Adult protective services are limited to adults age 60 and older who reside in an independent living arrangement (e.g., not an institution licensed by the state). (ORC 5101.60)

Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made to the CDJFS. The law includes a list of professionals and caregivers who are required to immediately report to the CDJFS if they have reasonable cause to believe an adult is being abused, neglected, or exploited, or is in a

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<sup>1</sup> The original source for this section is the Attorney General's *Ohio Elder Abuse Task Force Report (2005)*.

condition which is the result of abuse, neglect, or exploitation.<sup>2</sup> Any person who makes a report, testifies, or acts responsibly in their official duties is immune from civil and criminal liability unless they acted in bad faith or with malicious purpose. (ORC 5101.61)

The CDJFS is responsible for the investigation of all reports of adult abuse, and for evaluating the need for and – to the extent of available funds – providing or arranging for the provision of protective services. Investigations must be initiated within 24 hours after the department receives a report or case if any emergency exists, and within three working days otherwise. The investigation must include a face-to-face visit with the adult who is the subject of the report, preferably in the adult’s residence, and consultation with the person who made the report, if feasible, and agencies or persons who have information about the adult’s alleged abuse. Upon completion of the investigation, the CDJFS must determine from its findings whether or not the adult who is the subject of the report is in need of protective services and write a report that confirms or denies the need for protective services and states why it reached this conclusion. The CDJFS may designate another agency to perform the department’s duties. (ORC 5101.62)

If the CDJFS determines that an adult is in need of protective services, the department may petition the court for an order authorizing the provision of protective services if the adult who needs services is incapacitated (ORC 5101.65) or in an emergency (ORC 5101.69).

The director of ODJFS must adopt rules that require each CDJFS to collect and submit data concerning the implementation of Ohio’s APS law, and may adopt rules that otherwise govern the CDJFS implementation of APS programs, including a requirement that each CDJFS provide a plan of proposed and actual expenditures of funds necessary to meet the requirements of the law. ODJFS may provide a program of ongoing, comprehensive, formal training to county departments and other agencies authorized to administer APS programs, and may reimburse county departments – to the extent of available funds – for all or part of the costs they incur in implementing APS programs. (ORC 5101.71-72)

### **Sources of Funding<sup>3</sup>**

Because Ohio’s APS program is implemented at the county level, a variety of funding sources are utilized. The only funding source used by all 88 counties is general revenue fund (GRF) dollars from ODJFS line item 600-534 (\$500,000 in state fiscal year 2015). Funding for each county ranged from less than \$550 to more than \$50,000 based on an ODJFS distribution methodology that takes into account the percent of the county’s population at or below 150 percent of the federal poverty level and the percent of the county’s population above the age of 55 that live at or below 200 percent of the federal poverty level. Historically, the highest GRF funding level ever allocated for APS was \$2.8 million in SFY 1989.

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<sup>2</sup> The current list of mandatory reporters includes any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, nurse, senior service provider, peace officer, coroner, clergy, social worker, counselor, or employee of a hospital, ambulatory health facility, home health agency, residential facility, nursing home, or community mental health agency.

<sup>3</sup> The original source for this section is the Center for Community Solution, *Adult Protective Services: Opportunities for Savings through Economies of Scale* (2013).

Another major source of funding for APS in Ohio is Social Services Block Grant (SSBG) funds available through Title XX of the Social Security Act. Title XX dollars can be used for a wide variety of social services and, in Ohio, how the funds are allocated among social service programs is determined by each county. Across Ohio, more than \$14 million of Title XX funds were utilized to pay for APS investigations and programming in federal fiscal year 2012. Compared to similar states, Ohio spends a greater share of its Title XX funds on APS (16.1 percent) than Pennsylvania (10.0 percent), Michigan (3.8 percent), Wisconsin (4.2 percent), Minnesota (1.2 percent) and Illinois (0.0 percent).

Finally, many counties in Ohio have levies that support senior services. The total amount of money from senior levies that is spent on APS is unknown. Some levies are written to specifically support APS and/or non-APS activities, while others are written to support senior services broadly and funding is distributed by some mechanism that could include APS.

### **Program Activities Vary by County**

Because APS programs are administered at the county level from a variety of funding sources, they vary widely in capability and procedures. The law requires reports made to the APS program to be investigated within 24 hours in emergency situations or within three working days for non-emergencies. After an initial investigation occurs, the process varies based on both the details of the case and on the resources available within that county.

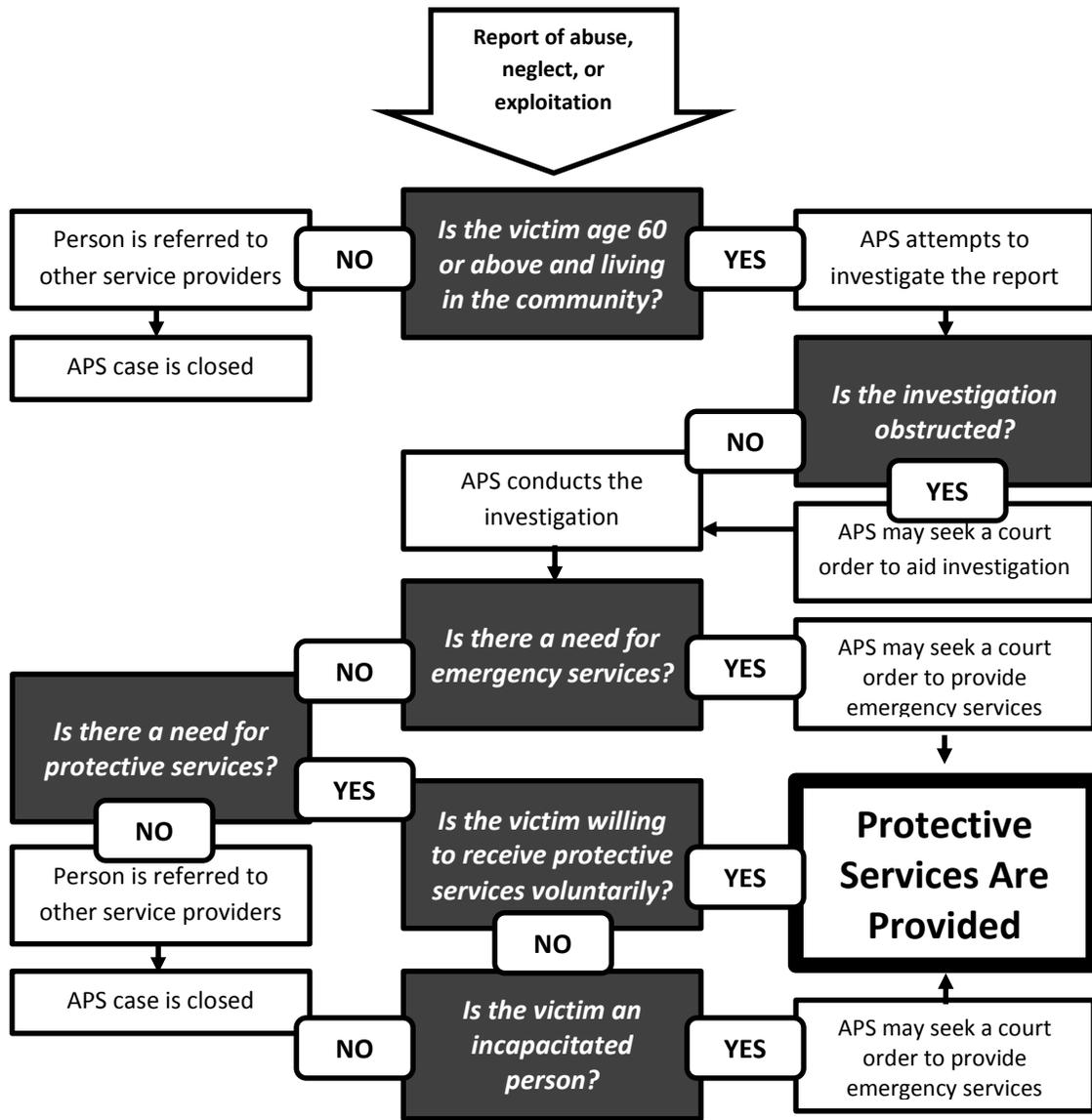
Some cases of elder abuse might result in legal charges, in which case APS workers may play a role in the case. Different counties' Probate Courts play varying roles in regards to issuing protection orders. In cases where victims need further support, some counties have APS programs that include a variety of social services for older adults, while others work to connect their clients with programs available elsewhere in the community. Some counties, because of a lack of resources, simply perform investigations as required by law.

Despite having the same basic APS functions prescribed in law (see Figure 1 below) the quality and scope of APS programs vary significantly by county. For example: staffing levels vary greatly and there is no shared understanding what constitutes an appropriate caseload; standards are not in place for APS procedures, training requirements, or quality control; the role that APS plays in the larger context of services for older adults varies from county to county; funding sources and levels differ throughout the state; and the total amount of resources contributing to APS, both directly and through indirect services, is unknown. There is no reliable source of statewide information to explore these variations in program resources and activities, or to assess the impact of these variations on APS services and outcomes.<sup>4</sup>

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<sup>4</sup> The most recent source of information about county-level APS program detail was compiled by the Center for Community Solutions in *Adult Protective Services: Opportunities for Savings through Economies of Scale (2013)*.

**Figure 1. Adult Protective Services Workflow in Response to a Report**



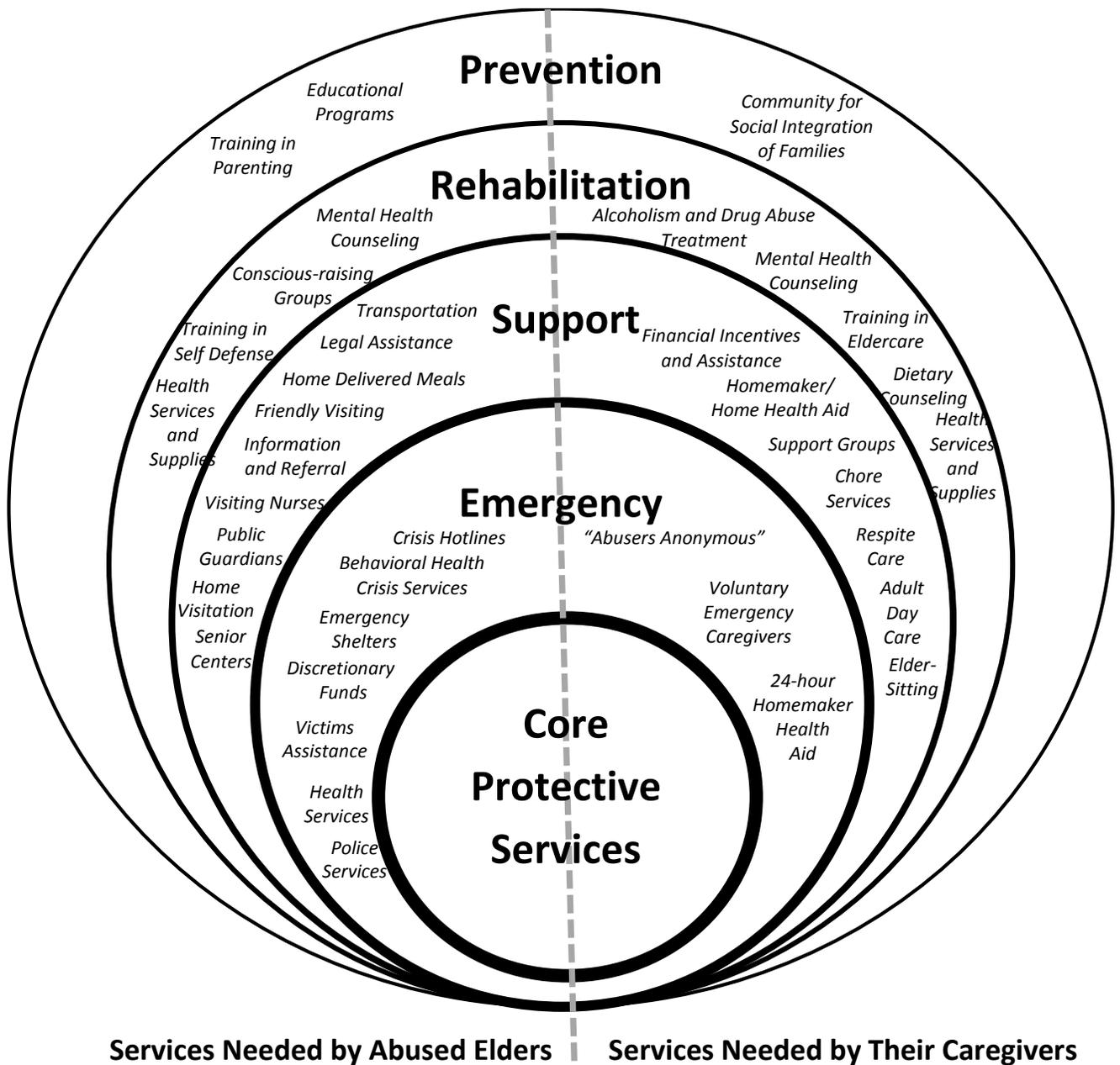
**IDENTIFY BEST PRACTICES TO INTEGRATE INTO OHIO'S APS SYSTEM**

Section 751.130 requires the APS Funding Workgroup to identify best practices that can be integrated into the system statewide, including opportunities to create linkages across all human services programs. The Workgroup members agreed that any approach to APS reform should be comprehensive, multidisciplinary, and accountable to clients who rely on APS services and the taxpayers who fund them.

## Comprehensive Framework

The Workgroup identified an array of services that are likely to be needed by abused elders and their caregivers (Figure 2 below). In addition to core protective services, these needs also include prevention, rehabilitation, emergency services, and other supports.

**Figure 2. Services Needed by Abused Elders and Their Caregivers:  
An Opportunity for Collaboration**



## Multidisciplinary Model

The services described above are provided by multiple, separate organizations and often are fragmented and difficult to access by the individuals who need them. The Workgroup identified this as an opportunity for multidisciplinary collaboration to organize access to these services in a way that is more reliable and convenient for the individuals who need them, and distributes the responsibility for meeting these needs across organizations in a way that distributes rather than concentrates the financial burden.

The Workgroup specifically identified interdisciplinary teams (I-Teams) as a best practice for organizing access to the comprehensive array of services described above. Elder abuse I-Teams include professionals from diverse disciplines who work together to review cases of elder abuse, address systemic problems, and collaborate and coordinate to provide services. I-Teams first emerged in the early 1980s in recognition of the fact that clinical and systemic issues often exceed the boundaries of any single discipline or agency. In addition to helping individual service providers resolve difficult cases, I-Teams can enhance service coordination by clarifying agencies' policies, procedures, and roles and by identifying service gaps and breakdowns in communication. Teams also enhance members' professional skills and knowledge by providing a forum for learning more about the strategies, resources, and approaches used by multiple disciplines.

## Accountable System

The Workgroup consistently observed that Ohio currently does not have a statewide APS system but a collection of county-based programs that vary widely in resources and capability. To remedy this, the Workgroup identified minimum core requirements for establishing a more accountable statewide system.

The Workgroup identified the following core minimum requirements for county departments of job and family services:

- **APS System Screening.** The capacity to accept and screen reports of the suspected abuse or neglect of an adult, including the ability to:
  - Accept 24 hours per day/seven days per week (does not need to be JFS),
  - Record and retain report information
  - Follow a protocol for decision-making, including screening reports for suspected abuse or neglect (accepting or referring),
  - Document decision (e.g., screen in, refer, not appropriate) and rationale, and
  - Identify as an emergency or non-emergency.
  
- **APS System Investigation.** The capacity to investigate and assess accepted reports of the suspected abuse or neglect of an adult, including:
  - Ability to respond to emergency with 24 hours or non-emergency within 3 working days,
  - Standardized assessment process and instrument,

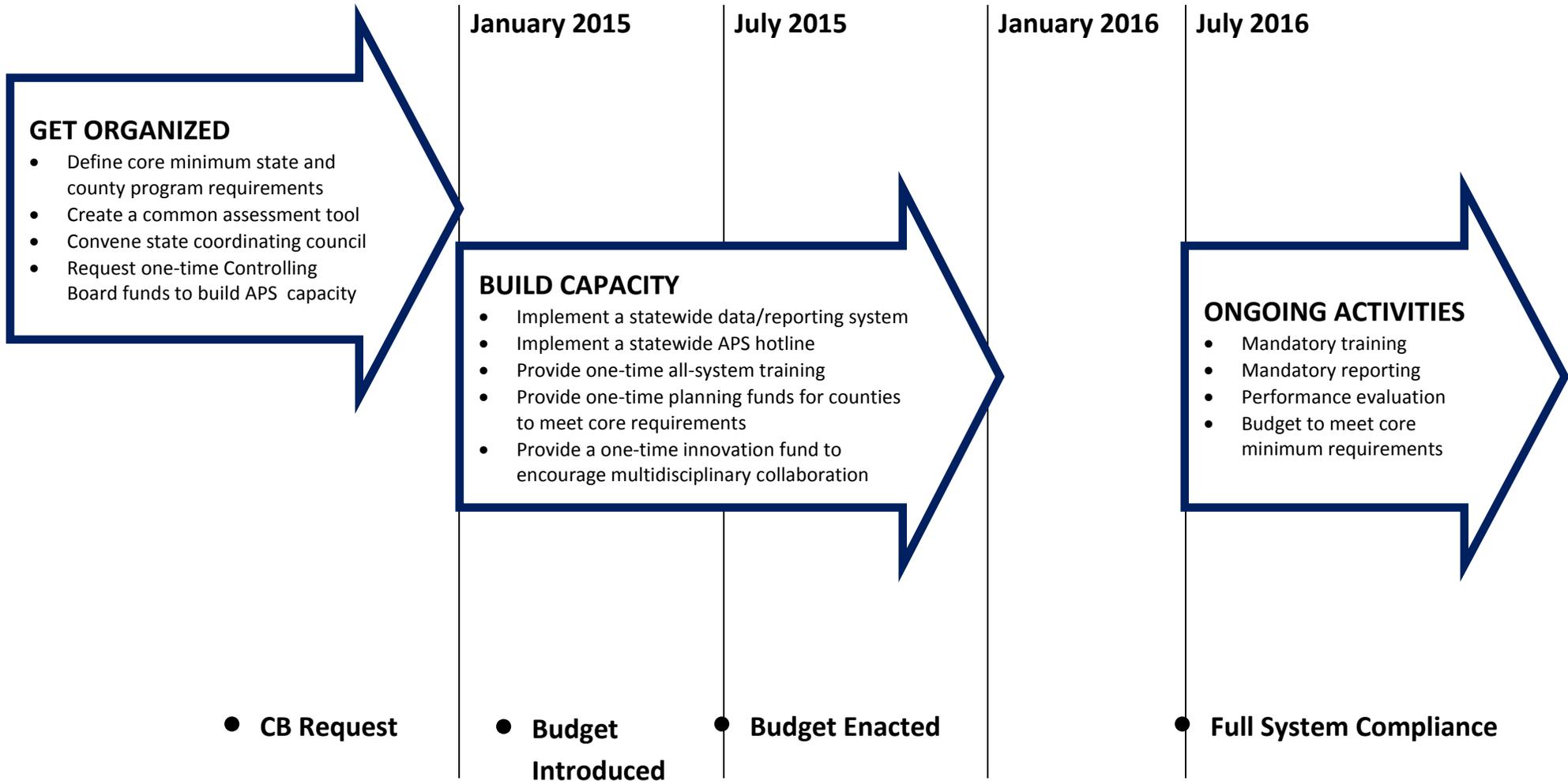
- Memorandum of understanding (MOU) for community-based response investigation and assessment (including a provision for joint investigation under specified circumstances),
  - Disposition within 30 days or 45 days with an approved extension,
  - Determination of the need for protective services (e.g., referral, non-action), and
  - Ability to record and document activities and final determination.
- **APS System Services.** The capacity to provide services to ameliorate the conditions of adult abuse or neglect, fully utilize available community resources, and prosecute the offender when appropriate, including:
    - Establishment of an interdisciplinary team (I-Team) that promotes community collaboration in service delivery and full utilization of existing and available community services,
    - Case management,
    - Protocols for linking with existing systems, including developmental disabilities, mental health and addiction services, public health, faith-based and other community services,
    - A standardized case plan that is retained and can be amended,
    - Requirements for visitation and ongoing monitoring of service provision and progress on case plan, and
    - Case closure process.

The Workgroup also identified core minimum requirements for the Ohio Department of Job and Family Services to provide administrative oversight of a statewide APS system:

- Establish a statewide oversight council,
- Monitor and provide selected case review,
- Provide technical assistance and training as needed,
- Collect and retain state- and county-level data,
- Write and amend policy, and
- Work collaboratively on cross-system issues.

The Workgroup identified a timeline for establishing an accountable statewide APS system. After the initial organizational phase (2014), the Workgroup recommends a period of capacity building (January 2015-June 2016) to ensure full system compliance, including new program requirements recommended in this report, by July 2016 and on an ongoing basis into the future. Activities within each phase are summarized in Figure 3 below.

**Figure 3. Rebuilding Ohio’s Adult Protective Services**



## **RECOMMEND PRIORITIES FOR A ONE-TIME INVESTMENT IN APS (\$10 MILLION)**

Section 751.130 requires the APS Funding Workgroup to “make recommendations to the Department of Job and Family Services about a distribution method for the \$10 million in appropriation item 911-421 for possible submission to the Controlling Board.” The Workgroup submits the following recommendations for consideration:

### **1. Define core minimum APS program requirements for the state and each county.**

In addition to the Controlling Board recommendations below, the Workgroup recommends that ODJFS seek legislation to define core minimum requirements for the state and each county necessary to ensure an effective APS system statewide. Proposed legislative language is attached as Appendix A. The Workgroup’s goal is for the state and each county to comply with at least the core minimum requirements for APS by July 1, 2016 and beyond.

### **2. Implement a statewide APS data collection and reporting system (\$1,500,000).**

The Workgroup recommends the Ohio Department of Job and Family Services implement a statewide APS data collection and reporting system by December 31, 2015. The new system should have at least the following capabilities:

- Support intake (all calls must be documented in the system, document the decision to screen in/screen out the case based on the information from referent, person demographics, disposition, perpetrator information).
- Provide a record of court filings and hearings.
- Support ongoing cases by documenting services and case management notes.
- Keep information in the system secure and protect confidentiality.
- Allow agencies Web-based access to the system 24/7 and allow for agencies to view history recorded regardless of who documented that history.
- Enable state and local reporting capabilities, including program performance evaluation.
- Flexible technology that allows the system to expand capabilities over time.
- Meet the requirements of the National Adult Maltreatment Reporting System, which is scheduled for a pilot test in nine states in 2015.

The Office of Health Transformation will work with the Ohio Departments of Administrative Services and Job and Family Services to design and build the new system. The first step will be to identify existing systems that may be suitable to accommodate APS functionality (e.g., Ombudsman/Aging, Critical Incident/JFS, SACWIS/JFS, Incident Tracking/DD, or existing county systems). A process will be established to ensure the new system meets core minimum state and county program requirements, and is user-friendly for APS staff.

ODJFS will request one-time funding from the Controlling Board to design the system (\$1.5 million) and ongoing funding for operating costs in the department's 2016-2017 budget.

### **3. Implement a statewide APS hotline (\$500,000).**

The Workgroup recommends the Ohio Department of Job and Family Services implement a statewide APS hotline system to activate on July 1, 2016. The following items are recommended prior to implementation:

- Establish a single toll-free number for Ohioans to call 24/7 to report the abuse of an adult, and route the call to the appropriate local county number.
- Require each CDJFS to identify the local number(s) to connect to the hotline.

The Ohio Department Job and Family Services recently implemented a similar hotline for child protective services using a technology known as EZ Route, and will use that process to guide the implementation of the APS hotline. ODJFS will request one-time funding from the Controlling Board allocation to design the new system (\$500,000), and will request ongoing funding for operating costs in the department's 2016-2017 budget.

### **4. Provide one-time all-system training aligned to meeting core requirements (\$631,200).**

The Ohio Department of Job and Family Services entered into a contract with the Institute of Human Services beginning July 1, 2014 to develop a competency based APS core curriculum that will meet the needs of Ohio's Adult Protective Services workforce. The revised core curriculum will consist of approximately nine training modules with a total of 18 days per worker to complete. Staff who will receive core training include APS caseworkers, APS supervisors, and the CDJFS designated agencies (staff contracted by the CDJFS to perform APS investigations) totaling approximately 250 workers statewide.

The Workgroup recommends all current APS workers receive a portion of the new APS core training between July 1 and December 31, 2015. In order to ensure the success of this training initiative, the following items are recommended prior to implementation:

- Review the new APS core curriculum for consistency with new core requirements recommended in this report, and finalize the curriculum by June 30, 2015.
- Identify a subset of the APS core curriculum not to exceed four days of total training time and make available to all current APS staff for completion between July 1 and December 31, 2015.
- Identify a subset of the APS core curriculum that every APS staff person should receive prior to handling a case and make that content available in a Web-based format.
- Maintain the Statewide Training Coordinator contract (add \$90,000 to cover additional staff, on-line training, and the Learning Management System), provide for

a one-time expansion of the trainer pool (\$171,200), and increase capacity of the Ohio Human Services Training System (OHSTS) Regional Training Center (RTC) coordinators to work full time with OHSTS (\$100,000).

- Allocate approximately 60 in-person training days (12 training series @ 4 days each in four regions, plus 3 additional series scheduled statewide as needed to meet capacity) and 10 in-person train-the-trainer events across all regions of the state.
- Provide a one-time stipend of up to \$270,000 (\$1,000 per staff person) for CDJFS and/or designated agency staff who perform APS investigations and complete the 4 in-person training days described above by December 31, 2015. ODJFS will specify what staff/agencies are eligible to receive the stipend.

**5. Provide one-time APS Planning Funds for counties to meet core requirements (\$4,400,000).**

The Workgroup recommends providing counties with flexible one-time planning funds to build the capacity required to meet core program requirements for APS by June 30, 2016. The application packet for one-time planning funds is attached as Appendix B, and delineates the process counties may access funds on a voluntary basis from January 1 to November 14, 2015:

- Provide a one-time payment of up to \$880,000 (\$10,000 per county) for each county that commits to planning activities that build the county's capacity to meet core APS program requirements. By December 31, 2014, ODJFS will develop a simple attestation document that identifies the level of commitment required of the county for the release of funds.
- Provide a one-time payment of \$880,000 (\$10,000 per county) for each county that delivers to ODJFS a Plan of Cooperation signed by each of the local APS partner organizations involved in the prevention, reporting, investigation, treatment, and prosecution of elder abuse cases. By December 31, 2014, ODJFS will develop a model Plan of Cooperation that identifies the level of commitment required of the county and other APS partners for the release of funds.
- Provide a one-time payment of \$880,000 (\$10,000 per county) for each county that establishes and interdisciplinary team to coordinate APS programs. By December 31, 2014, ODJFS will identify the minimum criteria for the release of funds.
- Provide a one-time payment of \$1.76 million (\$20,000 per county) for each county that delivers to ODJFS (1) a comprehensive plan for meeting core APS program requirements and (2) a signed memorandum of understanding (MOU) that clearly delineates the roles and responsibilities of local APS partner organizations involved in the prevention, reporting, investigation, treatment, and prosecution of elder abuse cases. By December 31, 2014, ODJFS will identify the minimum content required of the county and other APS partners for the release of funds.

- Provide ongoing technical assistance from ODJFS and other state agencies to CDJFS and other local agency leaders to understand the implications of the July 1, 2016 full compliance date, and to encourage planning activities throughout calendar 2015 that prepare each county for full compliance with at least core APS requirements.
- Any of the planning funds described above not claimed by a county before January 1, 2016 will be deposited in the APS Innovation Fund described below.

**6. Provide a one-time APS Innovation Fund to encourage multidisciplinary collaboration and build system capacity to meet core minimum requirements (\$2,968,800).**

The Workgroup recommends creating a one-time APS Innovation Fund to competitively award grants to counties that demonstrate innovation in multidisciplinary collaboration that improves APS system performance. The application packet for APS Innovation Funds is attached as Appendix B, and delineates the process by which counties may access funds, including the criteria for funding awards, for the following purposes:

- **APS System Innovation Grants.** ODJFS will competitively award grants of up to \$150,000 per application to a county or group of counties that propose “big leap” APS system innovations. The purpose of the innovation is to introduce new strategic or structural arrangements that (1) allow counties to more efficiently comply with the APS core minimum requirements, (2) exceed the minimum requirements in the provision of APS services, and (3) can be replicated in other parts of the state. An example of a competitive proposal would be one in which a group of counties arrange to share APS responsibilities and combine efforts to meet service needs.
- **APS Program Capacity Grants.** ODJFS will competitively award grants of up to \$35,000 per application to a county that proposes to introduce a new APS program innovation(s) that allows the county to more efficiently comply with the APS core minimum requirements. Program Capacity Grants will be awarded to support one-time program improvements and may not be used to supplant existing funds.

***NOTE: On October 20, 2014, the Ohio Department of Job and Family Services requested and the State of Ohio Controlling Board approved a transfer of appropriation in the amount of \$10 million from state general revenue funds for the purposes outlined in this report.***

**Amended/Proposed ORC Language for APS Core Requirements  
(SFY 2016-2017 Budget Bill)**

<b>Amended Language</b>
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**5101.60 Adult Protective Services Definitions**

**Core Requirement: ODJFS Requirements**

(G) “Exploitation” means the unlawful or improper act of a caretaker using an adult or an adult’s resources for monetary or personal benefit, profit, or gain. The caretaker carries out these unlawful acts by:

- (1) Exerting control over the adult’s real or personal property without the consent of the adult;
- (2) Going beyond the scope of the expressed or implied authorization to give consent on the adult’s behalf;
- (3) Deception;
- (4) Threat;
- (5) Intimidation.

[Reference: HB 49; language was modified from the “Financial Harm” definition]

**5101.61 Reporting abuse, neglect or exploitation of adult**

**Core Requirement: ODJFS Requirements**

(F) ~~Neither~~ The written or oral report provided for in this section ~~nor~~ and the investigatory report provided for in section 5101.62 of the Revised Code shall be considered confidential, and shall not be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, ~~to agencies authorized by the department to receive information contained in the report,~~ and to legal counsel for the adult. Information contained in the report shall be released in accordance with rules established by the department of job and family services.

(G) The county department of job and family services shall have the ability to receive reports twenty four hours a day.

**5101.611 Referring cases of abuse.**

**Core Requirement: APS System Investigation; APS System Services;**

(A) If a county department of job and family services knows or has reasonable cause to believe that the subject of a report made under section 5101.61 or of an investigation conducted under sections 5101.62 to 5101.64 does not fall under the responsibilities of the county department of job and family services, the report shall be referred to the following agencies as appropriate:

(1) If the report involves an adult who ~~or on the initiative of the department~~ is mentally retarded or developmentally disabled as defined in section 5126.01 of the Revised Code, the department shall refer the case to the ~~county~~ board of developmental disabilities of that county for review pursuant to section 5126.31 of the Revised Code.

(a) If a county board of developmental disabilities refers a case which is not subject to the authority of the county board of developmental disabilities, to the county department of job and family services in accordance with section 5126.31, the department shall proceed with the case in accordance with sections 5101.60 to 5101.71 of the Revised Code.

(2) If the report involves an adult who resides in a long-term care facility and their rights have been violated as defined in section 173.01 and 173.19 of the Ohio Revised Code, the report shall be made to the Regional or State Long Term Care Ombudsman.

(a) If the Regional or State Long Term Care Ombudsman refers a case which is not subject to the authority of the Ombudsman to the county department of job and family services, the department shall proceed with the case in accordance with section 5101.60 to 5101.71

(3) If the report involves an adult who has allegedly been abused, neglected, or exploited by staff employed at the residential facility as defined in 5119.70 of the Ohio Revised Code the report shall be made to the Department of Health.

(4) If the report involves the safety or welfare of a child under the age of 18, or a developmentally disabled child under the age of 21 as defined in 2151.421 of the Ohio Revised Code, reports shall be made to the local Public Children Services Agency.

(B) Case referrals and joint duties with regulatory and other investigatory entities shall be established in rule by the department of job and family services.

## **5101.62 Investigations.**

### **Core Requirement: APS System Investigation**

The county department of job and family services or its designated agency shall be responsible for the investigation of all reports provided for in section 5101.61 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, ~~to the extent of available funds, providing or~~ arranging for the provision of protective services. ~~The department may designate another agency to perform the department's duties under this section.~~

## **5101.72 Reimbursing costs of providing services**

The department of job and family services, ~~to the extent of available funds,~~ may reimburse county departments of job and family services for all or part of the costs they incur in implementing sections 5101.60 to 5101.71 of the Revised Code. The director of job and family services shall adopt internal management rules in accordance with section 111.15 of the Revised Code that provide for reimbursement of county departments of job and family services under this section.

The director shall adopt internal management rules in accordance with section 111.15 of the Revised Code that do both of the following:

(A) Implement sections 5101.60 to 5101.71 of the Revised Code;

(B) Require the county departments to collect and submit to the department, or ensure that a designated agency collects and submits to the department, data concerning the implementation of sections 5101.60 to 5101.71 of the Revised Code.

### **Proposed Language**

#### **1. Statewide adult protective services data collection and reporting system**

##### **Core Requirement: ODJFS Requirements**

**Section XXXX.XX** (A) The department of job and family services shall establish and maintain a uniform statewide automated adult protective services information system. The information system shall contain records concerning the requirements in sections 5101.60 to 5101.72 of the Revised Code which includes:

(1) All reports of abuse, neglect or exploitation of adults whether investigated or not by the county departments of job and family services.

(2) Investigations of reports of abuse, neglect and exploitation of adults.

(3) Protective services provided to adults who are the subject of a report of abuse, neglect or exploitation.

(4) Any other information pertaining to an adult protective services case that state law or rule requires the department or county departments of job and family services to maintain.

(B) The department shall plan implementation of the information system on a county-by-county basis and shall finalize statewide implementation by all county departments of job and family services as described in section 307.981 of the Revised Code not later than [DATE NEEDED].

(C) The department shall promptly notify all county departments of job and family services of the initiation and completion of statewide information system established under division (A) of this section.

## **2. Statewide adult protective services training program**

### **Core Requirement: Training**

Section XXXX.XX (A) The department of job and family services shall provide a program of ongoing, comprehensive, formal training on the implementation of sections 5101.60 to 5101.71 of the Revised Code and require all county department of job and family services caseworkers and supervisors with primary responsibility for receiving and investigating reports of adult abuse, neglect and exploitation or the provision of adult protective services complete the training. Training requirements and timeframes will be defined in accordance with rules established by the department of job and family services.

## **3. Memorandum of Understanding**

### **Core Requirement: APS System Investigations; APS System Services**

Section XXXX.XX (A) Each county department of job and family services shall prepare a memorandum of understanding establishing the guidelines to be employed in the prevention, reporting, investigation, treatment, and prosecution of elder abuse cases.

(B) The memorandum of understanding shall delineate the standardized protocols to be utilized, and the roles and responsibilities of the parties regarding the coordination of joint investigations and filing of criminal charges against persons alleged to have abused, neglected, or exploited adults pursuant to Chapter 2930. of the Revised Code. The memorandum of understanding described in division (A) of this section shall be signed by all of the following:

- (1) The director of the county department of job and family services;
- (2) The director of the agency designated by the CDJFS to perform specified duties prescribed by Ohio Administrative Code, if applicable;
- (3) The county sheriff;
- (4) The chief municipal peace officer within the county;
- (5) Other law enforcement officers handling adult abuse, neglect, or exploitation in the county;
- (6) The county prosecuting attorney; and
- (7) The county coroner.

(C) The memorandum of understanding described in division (A) of this section shall also establish an interdisciplinary team to coordinate prevention, reporting, and treatment activities designed to address elder abuse, neglect, and exploitation. The memorandum shall describe the roles and responsibilities of each team member, and may be signed by any of the following:

- (1) Parties specified in (B);
- (2) A representative of the area agency on aging that serves the region in which the county is located;
- (3) The regional long-term care ombudsperson designated for the area;
- (4) A representative of the alcohol, drug addiction and mental health services board that serves the county;
- (5) A representative of the county health department;
- (6) A representative of the county board of developmental disabilities;
- (7) A representative of the victims' assistance program that serves the county;
- (8) A representative of the housing authority that serves the county;
- (9) A representative of the entity responsible for investigating substandard housing;
- (10) Any other person or entity representative whose participation furthers the goals of the memorandum of understanding.

(D) A failure to follow the guidelines set forth in the memorandum of understanding required by this section is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from any report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person.

**[Language modified from HB 49]**

#### **4. Adult Protective Services Designated Agencies**

##### **Core Requirement: APS Screening; APS System Investigation**

**Section XXXX.XX (A) The county department of job and family services may enter into an interagency agreement or contract with another agency to perform the following duties:**

- (1) Receive and investigate reports of abuse, neglect or exploitation for adults age 60 and older;
- (2) Provide protective service for adults age 60 and older who are the subjects of abuse, neglect or exploitation;
- (3) File petitions for the provision of court ordered protective services for adults age 60 and older who are the subjects of abuse, neglect or exploitation;
- (4) Participate in the statewide adult protective services training program.

(B) If the county department of job and family services utilizes a designated agency to receive reports of abuse, neglect or exploitation for adults age 60 and older, the designated agency shall have the ability to receive reports twenty-four hours a day.

(C) The county department of job and family services shall specify in the interagency agreement or contract with the agency designated to perform duties in division (A)(1) through (4) and division (B) of this section, that the agency must follow the provisions of sections 5101.60 through 5101.72 of the Revised Code.

**5. Emergency Ex-Parte Order for Protective Services**  
**Core Requirement: APS System Investigation**

**Section XXXX.XX (A) A court, through a probate judge or a magistrate under the direction of a probate judge, may issue by telephone an ex parte emergency order authorizing the provision of protective services, including the relief available under division (B) XXXX.XX (succeeding section) of the Revised Code, to an adult on an emergency basis if all of the following apply:**

**(1) The court receives notice from the county department of job and family services, or an authorized agent of the department, that the department or employee believes an emergency order is needed as described in this section.**

**(2) There is reasonable cause to believe that the adult is incapacitated.**

**(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, financial harm or death.**

**(B) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day.**

**(C) (1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of this section XXXX.XX of the Revised Code.**

**(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next day.**

**(3) Except as provided in section XXXX.XX of the Revised Code, proceeding on the petition shall be conducted in accordance with section XXXX.XX of the Revised Code.**

[Reference: HB 49]

**6. Emergency Ex-Parte Order for Protective Services Hearing**  
**Core Requirement: APS Investigation**

**Section XXXX.XX (A) If an order is issued pursuant to section XXXX.XX of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day.**

**(B) At the court hearing, the court:**

**(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs;**

(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal settlement;

(3) May order emergency services;

(4) May freeze the financial assets of the adult.

(C) A temporary order issued pursuant to division (B)(2) of this section is effective for thirty days. The court may renew the order for an additional thirty day period. Information contained in the order may be entered into the law enforcement automated data system.

[Reference: HB 49]

## **7. Adult Protective Services Program Oversight and Evaluation**

### **Core Requirement: ODJFS Requirements**

**Section XXXX.XX** The director of job and family services may adopt rules governing county departments of job and family services' performance of the adult protective services program duties to include, but not limited to: intake procedures, investigations, and protective services and case management under section 5101.61 to 5101.72 of the Revised Code.