STATEMENT OF BASIS AND PURPOSE

Addition of new manual Sections 30.000 through 30.830 were final adoption following publication at the 6/1/2012 State Board rule-making session, with an effective date of 8/1/2012 (Rule-making# 11-8-19-1). Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Enterprise Partnerships, Division of Boards and Commissions, State Board Administration.

Revisions to Sections 30.250 and 30.640, and addition of Section 30.645, were final adoption following publication at the 2/1/2013 State Board rule-making session, with an effective date of 4/1/2013 (Rule-making# 12-9-11-1). Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Office of Enterprise Partnerships, Division of Boards and Commissions, State Board Administration.

30.000 ADULT PROTECTIVE SERVICES

30.100 DEFINITIONS [Eff. 8/1/12]

The following definitions shall apply to these rules.

“Adult Protective Services (APS) Program” means the State Department supervised, county department administered program that has the authority to investigate and/or assess allegations of mistreatment and self-neglect of at-risk adults. The APS Program offers protective services to prevent, reduce, or eliminate the current or potential risk of mistreatment or self-neglect to the at-risk adult using community based services and resources, health care services, family and friends when appropriate, and other support systems. The APS Program focuses on the at-risk adult and those services that may prevent, reduce, or eliminate further mistreatment or self-neglect. The APS Program refers possible criminal activities to law enforcement and/or the district attorney for criminal investigation and possible prosecution.

“Allegation” means a statement asserting an act or suspicion of mistreatment or self-neglect involving an at-risk adult.
“Assessment” means the process of evaluating a client’s functional abilities to determine the client’s level of risk, the appropriate mistreatment category(ies), and, in cooperation with the client whenever possible, to identify service needs for the case plan.

"Assumed Responsibility", as used in the definition of caretaker, means a person who is providing or has provided recurring assistance to help meet the basic needs of an at-risk adult. The assumption of responsibility can attach by entering into a formal or informal agreement, whether paid or unpaid; by identifying oneself as a caretaker to others; or based on the nature of the situation or relationship between the caretaker and the at-risk adult.

"At-Risk Adult" means an individual eighteen years of age or older:

A. Who is susceptible to mistreatment because he/she is unable to perform or obtain services necessary for his/her health, safety, or welfare; or,

B. Who lacks sufficient understanding or capacity to make or communicate responsible decisions concerning his/her person or affairs.

C. Persons are not considered "at-risk" solely because of age and/or disability.

"Caretaker" means a person who is responsible for the care of an at-risk adult as a result of a family or legal relationship or a person who has assumed responsibility for the care of an at-risk adult.

"Caretaker Neglect" means the failure of the caretaker to provide and/or secure basic needs for the at-risk adult or the failure of the caretaker to provide basic needs in a timely manner and with the degree of care that a reasonable person in the same situation would exercise. The withholding of artificial nourishment in accordance with the "Colorado Medical Treatment Decision Act", Article 18 of Title 15, C.R.S., shall not be considered caretaker neglect.

"Case Planning" means using the information obtained from the investigation and/or assessment to identify, arrange, and coordinate protective services in order to reduce the client’s level of risk for mistreatment.

"Client" means an actual or possible at-risk adult for whom a referral has been received and the county department has made a response, via telephone resolution or open case.

"Collateral Contact" means a person who has knowledge about the client’s situation that supports, refutes, or corroborates information provided by a client, reporter, or other person involved in the case. Examples of contacts include, but are not limited to, family members, law enforcement, health care professionals, service providers, neighbors, and friends.

"County Department" means a county department of human/social services.

"Data System" means the State Department prescribed data system that the county department shall use to document APS Program activities, including all reports and casework.

"Exploitation" means an act or omission committed by a person that:

A. Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit, or possession of his or her money, assets, or property;

B. In the absence of legal authority:

   1. Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult; or,
2. Forces, compels, coerces, or entices an at-risk adult to perform services for the profit or advantage of the person or another person against the will of the at-risk adult; or,

C. Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

"Financial Institution" means a state or federal bank, savings bank, savings and loan association or company, building and loan association, trust company, or credit union.

"Fiscal Year" means the State Department fiscal year, which begins July 1 and ends June 30.

"Inconclusive Report" means that indicators of mistreatment or self-neglect may be present but the investigation and/or assessment could not confirm the evidence necessary to make a substantiated report.

"Information and Referral (I&R)" means providing information about services available from public and private organizations or individuals after conducting a brief assessment to determine that the request does not involve an at-risk adult who is vulnerable or subject to mistreatment or self-neglect. An I&R does not require further investigation or assessment.

"Investigation" means the process of determining if an allegation(s) of mistreatment involving an at-risk adult can be substantiated by a preponderance of evidence.

"Least Restrictive Intervention" means acquiring or providing services, including protective services, for the shortest duration and to the minimum extent necessary to remedy or prevent mistreatment.

"Mistreatment" means an act or omission that threatens the health, safety, or welfare of an at-risk adult or which exposes the at-risk adult to a situation or condition that poses a risk of death or physical injury or harm. Mistreatment includes physical and sexual abuse, caretaker neglect, and exploitation. The withdrawing, or refusing of any treatment including, but not limited to, resuscitation, cardiac pacing, mechanical ventilation, dialysis, artificial nutrition and hydration, any medication or medical procedure or device, in accordance with any valid medical directive or order, or as described in a palliative plan of care, shall not be considered mistreatment. "Medical directive or order" includes, but is not limited to, a medical durable power of attorney, a declaration as to medical treatment executed pursuant to Section 15-18-104, C.R.S., a medical orders for scope of treatment form executed pursuant to Article 18.7 of Title 15, C.R.S., and a CPR directive executed pursuant to Article 18.6 of Title 15, C.R.S.

"Person(s)" means one or more individuals, limited liability companies, partnerships, associations, corporations, legal representatives, trustees, receivers, or the State Department of Colorado, and all political subdivisions and agencies thereof.

"Physical Abuse" means the infliction of physical pain or injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation; and the imposition of unreasonable confinement or restraint.

"Protective Services" means services to prevent the mistreatment and self-neglect of an at-risk adult initiated and provided by the county department authorized to administer the Adult Protective Services Program. Such services include, but are not limited to:

A. Receipt and investigation of reports of mistreatment;

B. Receipt and assessment of reports of self-neglect;
C. Assessment of the at-risk adult’s physical, environmental, financial, medical, mental, and support system needs;

D. Protection from mistreatment;

E. Provision of casework and counseling services;

F. Coordination, implementation, delivery, and monitoring of services necessary to address the at-risk adult’s safety, health, and welfare needs;

G. Assistance with applications for public benefits and other services;

H. Referral to community service providers; and,

I. Initiation of protective and probate proceedings under Colorado Revised Statutes.

"Reassessment" means the process of updating the assessment and the case plan, including the status of any services implemented and any new services and/or goals identified since the last assessment.

"Referral" means, based upon the information provided by the reporting party, that the allegations involve an at-risk adult in need of assessment for protective services due to actual or suspected mistreatment or self-neglect.

"Report" means an oral or written report of suspected mistreatment or self-neglect of a suspected at-risk adult, accepted by the county department. Based on information received from the reporting party, the county department shall categorize the report as a referral or as an Information and Referral (I&R) for the purposes of a county department response to the report.

"Self-Abuse" means the infliction of physical pain or injury upon one’s self, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation. For purposes of these rules, self-abuse is included in self-neglect.

"Self-Determination" means the right to decide for one’s self; the ability or right to make one’s own decisions without interference from others.

"Self-Neglect" means an act or failure to act whereby an at-risk adult substantially endangers his/her health, safety, welfare, or life by not seeking or obtaining services necessary to meet the adult’s essential human needs. For purposes of these rules, self-neglect includes self abuse. Refusal of medical treatment, medications, devices, or procedures by an adult or in accordance with a valid medical directive or order, or as described in a palliative plan of care, shall not be deemed self-neglect. Refusal of food and water in the context of a life-limiting illness shall not, by itself, be evidence of self-neglect. "Medical directive or order" includes, but is not limited to, a medical durable power of attorney, a declaration as to medical treatment executed pursuant to Section 15-18-104, C.R.S., a medical orders for scope of treatment form executed pursuant to Article 18.7 of Title 15, C.R.S., and a CPR directive executed pursuant to Article 18.6 of Title 15, C.R.S.

"Sexual Abuse" means the subjection to nonconsensual sexual conduct or contact that is classified as a crime under the Colorado Criminal Code, Title 18, C.R.S.

"Staff a Case" means the review of an APS case involving communication between the supervisor and caseworker to ensure the appropriateness of allegations, investigation and findings, client assessment, case plan and service provision, need for ongoing services, plans to terminate services, documentation, and overall intervention as it relates to APS rules and best practices. Staffing a case may include the county department APS unit and/or the AP team in addition to the supervisor and caseworker.
"State Department" means the Colorado Department of Human Services.

"Substantiated Report" means that the investigation and/or assessment established by a preponderance of evidence that mistreatment or self-neglect has occurred.

"Unsubstantiated Report" means the investigation and/or assessment did not establish by a preponderance of evidence that mistreatment or self-neglect has occurred.

30.200 ADULT PROTECTIVE SERVICES PROGRAM ADMINISTRATION AND OVERVIEW [Eff. 8/1/12]

30.210 APS PROGRAM ADMINISTRATION [Eff. 8/1/12]

A. The Adult Protective Services (APS) Program (Program) is mandated by Title 26, Article 3.1, Parts 1 and 2 of the Colorado Revised Statutes. The county department shall administer the APS Program in accordance with the statutes and rules governing the APS Program and in general State Department fiscal and program regulations.

B. The county department shall make reasonable efforts to advise county residents of services available through the APS Program by such methods as Adult Protection Team mandated community education, as defined at Section 30.830, B, 4, press releases, presentations, pamphlets, and other mass media.

C. The county department shall handle responses to requests for services from other agencies, including the State Department, other county departments, or another state’s APS Program, in the same manner and timeframes as requests received from within the county.

D. The county department shall report to the State Department at such times and in such manner and form as the State Department requires, including through the data system, case file documentation, manually generated reports, quality improvement and assurance processes, and other forms of reporting.

30.220 APS PROGRAM REVIEW AND OVERSIGHT [Eff. 8/1/12]

A. The county department shall be subject to the provisions outlined in Section 26-1-111, C.R.S., requiring the State Department to ensure that the county department complies with requirements provided by statute, State Board of Human Services and Executive Director rules, federal laws and regulations, and contract and grant terms.

B. The county department shall be subject to routine quality control and program monitoring, to minimally include:

1. Targeted review of the data system documentation;

2. Review and analysis of data reports generated from the data system;

3. Case file review;

4. Targeted program review conducted via phone, email, or survey; and,

5. Onsite program review.

C. The focus of the monitoring shall be to identify:

1. Compliance with program statute and rules;
2. Best practices that can be shared with other county departments; and,

3. Training needs.

D. The county department shall be subject to a performance improvement plan to correct areas of identified non-compliance.

E. The county department shall be subject to corrective action and sanction, as outlined in 9 CCR 2501-1 if the county fails to make improvements required under the performance improvement plan.

30.230 ELIGIBILITY [Eff. 8/1/12]

A. Protective services are provided to persons that meet the definition of “at-risk adult” as defined in Section 30.100. Persons shall not be considered “at-risk” solely because of age and/or disability.

B. Protective services are provided to at-risk adults without regard to income, or resources, or lawful presence.

C. Protective services are provided to at-risk adults:

1. Who need assessment for health, welfare, protection, and/or safety; and/or,

2. Who need short term services due to a report of actual or potential mistreatment or self-neglect; and/or,

3. Who need ongoing protection as the result of substantiation of mistreatment or self-neglect; and/or,

4. For whom the county department has been appointed guardian and/or conservator, or has been designated as representative payee; and/or,

5. Who are residents of long term care facilities, such as nursing homes and assisted living residences, who must relocate due to the closure of the facility and:

   a. The county department has been appointed guardian and/or conservator; or,

   b. They are in need of protective services due to a lack of case management and/or assistance from any other reliable source.

30.240 APS PRINCIPLES—CONSENT, SELF DETERMINATION, AND LEAST RESTRICTIVE INTERVENTION [Eff. 8/1/12]

A. The client’s consent is not required for the county department to investigate or assess allegations of mistreatment or self-neglect.

B. The final decision as to acceptance of protective services shall rest with the client unless the client has been adjudicated incapacitated by the court.

C. Protective services provided to and other services arranged for the client shall constitute the least restrictive intervention and be those services provided for the shortest duration and to the minimum extent necessary to meet the needs of the client.

D. It shall not be construed that a person is being mistreated when he or she is being furnished or is relying upon treatment or practices that:
1. Rely on the tenets and practices of that person’s recognized church or religious denomination; or,

2. Do not violate local, state, or federal laws.

E. Choice of lifestyle or living arrangements shall not, by itself, be evidence of self-neglect.

30.250 CONFIDENTIALITY [Rev. eff. 4/1/13]

A. Information received as a result of a report to APS and subsequent investigation and casework services shall be confidential and shall not be released without a court order for good cause except in limited circumstances, as defined in Section 30.250, E.

B. The county department shall treat all information related to the report and the case, whether in written or electronic form, as confidential according to applicable statutes, including, but not limited to, the following:

1. Identifying information, such as the name, address, relationship to the at-risk adult, date of birth, or Social Security Number of the:
   a. At-risk adult;
   b. At-risk adult’s family members;
   c. Reporting party;
   d. Alleged perpetrator; and,
   e. Other persons involved in the case.

2. Allegations, assessment, and investigative findings, including, but not limited to:
   a. Initial report of allegations and concerns;
   b. The adult’s physical, environmental, financial, medical, mental, and social systems status;
   c. Medical and behavioral diagnoses, past medical conditions, and disabilities;
   d. Services provided to or arranged for the adult;
   e. Information learned as a result of a criminal investigation;
   f. Information obtained during the APS investigation and the substantiation or non-substantiation of the allegations;
   g. Legal protections in place including, but not limited to, wills, advance directives, powers of attorney, guardianship, conservatorship, representative payeeship, and protective orders.

C. Individuals or groups requesting information regarding APS reports and/or investigations shall be informed of the confidential nature of the information and shall be advised that a court order is required to release information held by the county department, except as provided at Section 30.250, E. These persons or groups include, but are not limited to:
1. Federal and state legislators;

2. Members of other governmental authorities or agencies, including county commissioners, city councils, school boards, and other city and county department boards, councils, officials, and employees;

3. Courts and law enforcement agencies;

4. Attorneys, guardians, conservators, agents under powers of attorney, representative payees, and other fiduciaries;

5. Family members, reporting parties, or other interested parties;

6. Any alleged perpetrator; and,

7. Media representatives.

D. In a criminal or civil proceeding or in any other circumstance in which the APS report and/or case record is subpoenaed or any request for disclosure has been made, or any county department or State Department representative is ordered to testify concerning an APS report or case, the court shall be advised, through proper channels, of the statutory provisions, rules, and policies concerning disclosure of information.

1. Confidential information shall not be released unless so ordered by the court for good cause.

2. Courts with competent jurisdiction may determine good cause. Although it is not an exhaustive list, the following are examples of court proceedings in which a court may determine that good cause exists for the release of confidential information:

   a. Guardianship or conservatorship proceeding in which either the county is the petitioner or has been ordered to testify;

   b. Review of Power of Attorney under the Uniform Power of Attorney Act, as outlined at Title 15, Article 14, Part 7, Colorado Revised Statutes (C.R.S.);

   c. Review of a fiduciary under Title 15, Article 10. Part 5, C.R.S.; and/or,

   d. Criminal trial.

E. Information held by the State Department or county department may be released without a court order only when:

1. Coordination with professionals and collateral contacts is necessary to investigate mistreatment or self-neglect and/or to resolve health and/or safety concerns.

2. It is essential for the provision of protective services, including establishing eligibility for, arrangement and implementation of services and benefits, and appointment of a guardian and/or conservator.

3. A review of a Power of Attorney is requested under the Uniform Power of Attorney Act, as outlined at C.R.S. Title 15, Article 14, Part 7 or review of a fiduciary under C.R.S. Title 15, Article 10, Part 5.
4. A case is reviewed with the adult protection team, in accordance with the adult protection teams by-laws, and when in executive session with members who have signed a confidentiality agreement.

5. A criminal complaint or indictment is filed based on the APS report and investigation.

6. There is a death of a suspected at-risk adult and formal charges or a grand jury indictment results in connection with the death.

7. The coroner is investigating a death suspected to be a result of mistreatment or self-neglect.

8. The client requests his/her file and provides a written release of information, in accordance with the county department’s policy. The county department shall review the request to determine whether the client has the ability to provide informed consent related to the release of the file.

F. Whenever there is a question about the legality of releasing information or the ability of the client to provide informed consent, the requestor, whether the client or another person, shall be advised to submit a written request to the appropriate court to order the county department to produce the desired records or information within the custody or control of the county department.

G. Information released under Section 30.250, D and E, shall be the minimum information necessary to secure the services, conduct the investigation, or otherwise respond to the court order or request for information. The county department shall:

1. Provide the information only to persons deemed essential to the court order, criminal investigation, Adult Protection team activities, the provision of services, or client request;

2. Edit the information prior to its release to physically remove or redact sensitive information not essential to the court order, criminal investigation, Adult Protection team activities, provision of services and benefits, or client request;

3. Always redact the reporting party information and other documentation that could identify the reporting party unless specifically ordered by a court or the reporter has given written consent to release his/her information;

4. Always redact all HIPAA protected information and any other confidential information which is protected by law unless specifically ordered by a court; and,

5. Redact all other report and case information not directly related to the request.

H. When a court order or other written request for the release of information related to an APS report or case is received, as outlined in Sections 30.250, D and E, the county department shall:

1. Comply within the time frame ordered by the court, or in accordance with county department policy; and,

2. Provide a written notice with the information to be released regarding the legality of sharing confidential information.

I. All confidential APS information and data shall be processed, filed and stored using safeguards that prevent unauthorized personnel from acquiring, accessing, or retrieving the information.

1. Client files shall be kept in a secured area when not in use.
2. Passwords to the APS data system shall be kept secured.

3. The county department shall ensure that only APS staff persons have access to the APS data system.

4. Laptops and flash drives used to document in the field shall be protected and encrypted in compliance with HIPAA security requirements.

5. Email correspondence that contains APS confidential information shall be sent through secure encryption programs.

J. Any person who willfully violates confidentiality or who encourages the release of information related to the mistreatment of an at-risk adult from the data system or APS case file, to persons not permitted access to such information, commits a Class 2 petty offense and shall be punished as provided in Section 26-3.1-102(7)(c), C.R.S.

K. Clients shall be referred to the Colorado Address Confidentiality Program (ACP) as appropriate to determine their eligibility for services including the legal substitute mailing address and mail forwarding services. The State Department and county department shall comply with any applicable provisions for APS clients enrolled in the ACP.

30.260 DOCUMENTATION [Eff. 8/1/12]

A. The county department shall establish a case file for every Adult Protective Services (APS) report and case.

B. The primary file shall be the data system. The county department shall document all newly received APS reports and subsequent case documentation in the data system, to include window level fields and required narrative documentation.

C. The secondary file shall be housed in a folder and/or electronic file.

1. All secondary files shall be organized, per county department directive, so that all files within a county department have a similar format.

2. All secondary files shall be maintained in a secure manner.

3. All secondary files shall minimally contain the following completed forms and documentation:
   a. State Department prescribed referral intake form or county department referral and intake form, unless the county department entered the report directly into the data system;
   b. State Department prescribed consent form or State Department approved county department form;
   c. State Department medical release form or a county department developed medical release form that complies with HIPAA requirements, when applicable to the case;
   d. Dated and signed Record of Contact (ROC) notes, in chronological date order, unless all ROC notes are entered directly into the data system;
   e. Copies of the client’s financial or general powers of attorney, medical durable power of attorney, living will declaration, and/or other advance directives, as applicable;
f. Copies of all documents, reports, and correspondence related to guardianship and conservatorship, whether county department held or private, as applicable;

g. Copies of all documents and correspondence related to representative payeeship, whether county department held or private, as applicable; and,

h. Other documentation that cannot be housed in the data system, such as related medical reports, results of psychiatric evaluations, and photographic documentation related to investigation, assessment, and medical evaluation, as applicable.

D. Case records shall be retained by the county department for a minimum of three (3) years, plus the current year, after the date of case closure, or according to county department policy, whichever is longer.

30.300 STAFF QUALIFICATIONS, TRAINING, AND DUTIES

30.310 EDUCATION AND EXPERIENCE QUALIFICATIONS [Eff. 8/1/12]

A. The county department shall ensure that all personnel who supervise or provide professional services in the APS program possess the following minimum qualifications for education and experience:

1. The Professional Entry (Training) Level position shall require a Bachelor’s degree with an equivalent of 30 semester or 45 quarter hours in human behavioral sciences or health care related courses, such as, social work, sociology, psychology, psychiatry, gerontology, nursing, special education, family intervention techniques, diagnostic measures, therapeutic techniques, guidance and counseling, or other human behavioral sciences or medical field relevant to the APS Program and/or at-risk adults.

2. Professional Journey Level position shall meet the requirements for the Professional Entry (Training) Level position and shall have obtained the skills, knowledge, and abilities to perform duties at the fully independent working level, as follows:

   a. The required degree plus one year of professional casework in a public or private social services agency obtained after the degree is obtained; or,

   b. A Master’s degree in social work.

3. The Casework Supervisor position shall meet the requirements for the Professional Journey Level position plus have at least three years professional casework experience at the journey level obtained after the Bachelor’s or Master’s degree. County department managers, administrators, and directors with direct supervision shall meet this requirement.

4. The Case Aide and Intake Screener positions, if available in the county department, shall have obtained a high school diploma or a General Equivalency Diploma (GED) plus have at least six months full time public contact in human services or a related field. Substitution for public contact is successful completion of a certificate program in gerontology and/or at least six, college level credit hours in a human behavioral sciences or health care field.

B. If proven recruitment difficulty exists or the APS staff person was hired to perform APS duties prior to November 1, 1998, the county department may request a waiver of these requirements by submitting a request to the State Department Adult Protective Services unit. The request shall include:
1. The position for which the county department is requesting a waiver, including the percentage of time the position will be performing the duties of the APS program (% FTE).

2. Justification of the need for a waiver, to include:
   a. Documentation of the recruiting effort;
   b. Educational background of the proposed candidate, including degrees and post degree training, such as completion of a gerontology certificate, post graduate coursework, or other relevant training courses;
   c. Years of direct experience working with at-risk adults or other vulnerable populations applicable to the APS Program and clients; and,
   d. Other relevant qualities and information that demonstrate the candidate would be acceptable as a training level caseworker.

3. A plan on how and when the candidate will meet the coursework requirement or will otherwise meet the educational requirements of the position.

4. If the waiver request is not approved and the county department disagrees with the decision, the county department may request review of the decision by the Executive Director of the State Department.

30.320 BACKGROUND CHECK REQUIREMENTS [Eff. 8/1/12]

A. The county department shall complete a criminal background check on all prospective APS employees who, while in their employment, have direct, unsupervised contact with any actual or potential at-risk adult.

B. If the county department has not previously requested and received a criminal background check on a current employee hired on or after June 1, 2010, the county department shall immediately request a fingerprint criminal background check. The county department shall pay the fee.

C. The county department shall require a fingerprint background check for all prospective employees.

   1. The county department shall submit to the Colorado Bureau of Investigation (CBI) a complete set of fingerprints taken by a qualified law enforcement agency to obtain any criminal record held by the CBI.

   2. The background check shall include a check of the records at the Colorado Bureau of Investigation and the Federal Bureau of Investigation.

   3. The county department is strongly urged to require the background check be flagged for future notification of arrest and/or conviction.

   4. The prospective employee shall pay the fee for the criminal record check unless the county department chooses to pay the fee.

   5. The prospective employee’s employment shall be conditional upon a satisfactory criminal background check.

       a. The current employee or applicant shall be disqualified from employment, regardless of the length of time that may have passed since the discharge of the sentence imposed, for any felony criminal offenses as defined in Title 18, Articles 2-10, 12-
13, 15-18.5, 20, 23 of the Colorado Revised Statutes, or any felony offense in any other state the elements of which are substantially similar to the elements of any of the offenses included herein.

b. At the county department’s discretion, a person shall be disqualified from employment either as an employee or as a contracting employee if less than ten years have passed since the person was discharged from a sentence imposed for conviction of any of the following criminal offenses:

1) Third degree assault, as described in Section 18-3-204, C.R.S.;

2) Any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S.;

3) Violation of a protection order, as described in Section 18-6-803.5, C.R.S.;

4) Any misdemeanor offense of child abuse, as defined in Section 18-6-401, C.R.S.;

5) Any misdemeanor offense of sexual assault on a client by a psychotherapist, as defined in Section 18-3-405.5, C.R.S.;

6) Any misdemeanor offense of arson, burglary and related offenses, robbery, or theft, as defined in Title 18, Articles 1-4, C.R.S.;

7) A pattern of misdemeanor convictions within the ten years immediately preceding the date of submission of the application, or;

8) Any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any of the offenses described above.

4. Prospective employees who are transferring from one county department to another are not required to be re-fingerprinted if they complete the following process:

a. New employees must obtain their CBI clearance letter or a photocopy of their processed fingerprint card from their former employer. They must attach it to a new fingerprint card, with the top portion completed.

b. The new fingerprint card must include the new employer’s address. "Transfer – County Department" must be inserted in the "Reason Fingerprinted" block.

c. The CBI clearance letter (or photocopy of the old fingerprint card) and the new fingerprint card shall be sent with payment by the county department to the CBI.

d. County departments that have accounts with CBI are not required to send payment, but the county department shall enter its CBI account number in the OCA block of the new fingerprint card.

30.330 TRAINING REQUIREMENTS [Eff. 8/1/12]

A. The county department shall ensure that all new APS staff completes required APS training, as follows:
1. New entry and journey level caseworkers shall successfully complete the Pre-Academy Workbook (PAW).
   a. Full time APS caseworkers shall complete the PAW within three (3) months of hire or transfer to the APS Program.
   b. Part time APS caseworkers shall complete the PAW within six (6) months of hire or transfer to the APS Program.

2. New entry and journey level caseworkers are strongly urged to complete the APS training academy within fifteen months of hire or transfer to the APS Program.

3. New supervisors, managers, administrators, and/or county department directors with direct casework supervision duties shall successfully complete the web-based APS supervisor training within six (6) months of hire, transfer to the APS Program, or promotion from a caseworker position.

4. New case aides shall complete the Pre-Academy Workbook (PAW) within three (3) months of hire or transfer to the APS Program. Case aides may attend APS training academy, space permitting.

5. New intake screeners shall be provided training by the county department on how to take a complete report of alleged mistreatment or self-neglect. Intake screeners may complete the Pre-Academy Workbook (PAW).

B. The county department shall ensure that any APS staff member on the job longer than fifteen (15) months completes ongoing training relevant to the APS Program and client populations. Attendance at any specific training event is at the supervisor’s discretion.

1. Caseworkers shall successfully complete at least 30 hours of ongoing training per fiscal year related to the APS Program, target populations, and the provision of casework services, as follows:
   a. At least fifteen (15) hours shall be state department provided training specifically related to the APS Program, which may include:
      1) Statewide training;
      2) Regional training;
      3) Quarterly training meetings;
      4) County department onsite training; and/or,
      5) Live webinar or self-directed web-based training.
   b. Additional training options relevant to the APS Program, target populations, and/or the provision of casework services shall include, but are not limited to:
      1) National APS organizations’ webinar training;
      2) Colorado aging and disability conference;
      3) Child Welfare Training Academy coursework that has cross-over relevance and has been approved by the State Department APS unit;
4) Other State Department APS conferences;

5) Regional training conducted by agencies or professionals that work with older adults or people with disabilities including, but not limited to, a community centered board, Alzheimer’s association, Colorado legal assistance developer, Colorado Coalition for Elder Rights and Abuse Prevention (CCERAP), Colorado Long-Term Care Ombudsman, local law enforcement, AP team, APS supervisor or county department attorney; and/or;

6) Reading reports or professional journals provided or approved by the State Department APS unit about current APS best practices, research, and interventions.

2. Supervisors, managers, administrators, and/or county department directors with direct casework supervision duties shall successfully complete at least 20 hours of ongoing training per fiscal year related to the APS Program, target populations, the provision of casework services, or general supervision of employees, as follows:

   a. At least 10 hours shall be State Department provided training specifically related to the APS Program, as outlined for caseworkers.

   b. Additional training options include those outlined for caseworkers plus training options related to general employee supervision.

3. Case aides shall successfully complete at least 15 hours of ongoing training per fiscal year, as outlined for caseworkers. At least seven (7) hours shall be State Department provided training.

4. Required training hours as outlined in Section 30.330, B, 1-3, shall be prorated for part time APS staff.

   a. Persons working 25% or less in APS shall complete a minimum of:

      1) Six (6) hours for caseworkers;

      2) Four (4) hours for supervisors, managers, administrators, and/or county directors with direct casework supervision duties; and,

      3) Three (3) hours for case aides.

   b. Persons working 25-50% in APS shall complete a minimum of:

      1) Fifteen (15) hours for caseworkers;

      2) Eight (8) hours for supervisors, managers, administrators, and/or county directors with direct casework supervision duties; and,

      3) Eight (8) hours for case aides.

   c. Persons working 50-75% in APS shall complete a minimum of:

      1) 22 hours for caseworkers;
2) 15 hours for supervisors, managers, administrators, and/or county directors with direct casework supervision duties; and,

3) Eleven (11) hours for case aides.

d. Persons working 75-100% in APS shall complete the full training requirement outlined in 30.330, B, 1-3.

30.340 STAFF DUTIES AND RESPONSIBILITIES [Eff. 8/1/12]

A. The direct supervisor shall, at a minimum:

1. Staff open cases of each caseworker monthly to ensure cases meet program requirements related to the provision of protective services.

2. Review one open or recently closed case file per caseworker monthly to ensure adequate and accurate documentation is entered in the data system and secondary case file. Supervisory case reviews shall be documented.

3. Assess APS caseworkers’ professional development needs and provide opportunities for training.

4. Respond to APS reports or have a contingency plan to respond within assigned time frames, including emergencies, and to provide protective services when no caseworker is available.

B. APS caseworkers shall, at a minimum:

1. Receive reports of mistreatment and self-neglect as outlined in Section 30.400 and, with supervisory direction, determine the response priority and plan for caseworker safety;

2. Investigate allegations and assess client for risk and needs outlined in Section 30.500;

3. Develop, implement, monitor case plans, conduct required client visits, and provide protective services as outlined in Section 30.600;

4. Document case findings as outlined throughout 12 CCR 2518-1;

5. Assume responsibility for own learning and required training hours.

C. APS case aides may assist caseworkers in completing non-professional level tasks that do not require casework expertise, but shall not perform the duties of the caseworker or supervisor, such as completing:

1. The investigation and/or assessment;

2. The case plan;

3. The required monthly client contact visits; or,

4. Required reports to the court, for cases in which the county department is the guardian or conservator.

D. APS call screeners or administrative support staff may:
1. Receive intake reports;

2. Document reports on State Department prescribed referral forms and/or in the data system, collecting information that is available;

3. Provide all reports to supervisors or caseworker as provided by county department policy and procedure;

4. Direct urgent calls to the appropriate internal and external authorities.

30.400 REPORT RECEIPT AND RESPONSE

30.410 INTAKE [Eff. 8/1/12]

A. The county department shall receive oral or written reports of at-risk adult mistreatment and self-neglect.

B. The county department shall have an established process during business and non-business hours for receiving such reports.

C. The county department shall record intake information on the referral intake form or in the data system to include, when available:

1. The adult’s demographic information, such as name, gender, date of birth or approximate age, address, current location if different from permanent address, and phone number;

2. The reporter’s demographic information, unless the reporter requests anonymity, such as name, phone number, address, relationship to client and, if applicable, the reporter’s agency or place of business;

3. Allegations of mistreatment or self-neglect;

4. Safety concerns for the adult;

5. Safety concerns for the caseworker; and,

6. The alleged perpetrator’s information, such as name, gender, address, phone number, and relationship to the client, when mistreatment is alleged.

D. The county department shall document the report in the data system within ten (10) working days, to include all information obtained during intake, as outlined in Section 30.410, C;

30.420 REPORT CATEGORIZATION [Eff. 8/1/12]

A. The county department shall screen the report to determine whether:

1. The adult meets the definition of an at-risk adult; and,

2. The allegations involve mistreatment or self-neglect.

3. The county department shall not investigate reports of verbal and/or emotional abuse when no other mistreatment indicators exist because verbal and/or emotional abuse are not included as mistreatment in C.R.S. Title 26, Article 3.1, Parts 1 and 2.
B. Reports that do not involve an at-risk adult and mistreatment or self-neglect, as outlined in Section 30.420, A, are determined to be I&Rs (Information and Referral)

1. The county department shall not conduct an investigation, assessment, or further response.
   a. When the county department receives three I&Rs within twenty (20) working days on the same suspected at-risk adult from more than one reporting party, the county department shall determine the third I&R to be a referral; and,

   b. The county department shall respond as outlined in Section 30.430.

2. The county department shall provide information and/or referral(s) to the reporting party, as appropriate.

3. The county department may inform the reporting party of the decision not to investigate.

4. The county department shall document each I&R in the data system no later than ten (10) working days from the date the report was received, to minimally include the date and topic of the I&R.

C. Reports that involve an at-risk adult and mistreatment or self-neglect, as outlined in Section 30.420, A, are determined to be referrals:

1. The county department shall conduct further assessment and investigation.

2. The county department shall immediately evaluate the allegation(s) in order to determine the level of risk to the client.

D. The county department shall document the referral in the data system within ten (10) working days from the date the referral was received, to minimally include:

   1. Client demographic information;
   2. Reporting party information;
   3. Response priority;
   4. Mistreatment category(ies) based on the allegations;
   5. Worker safety concerns;
   6. Alleged perpetrator information, minimally to include the gender and relationship to the client;
   7. Allegations narrative; and,
   8. Reason a face-to-face investigation was not completed.

**30.430 RESPONSE PRIORITY [Eff. 8/1/12]**

A. The county department shall determine a timeframe for face-to-face investigation of the referral based upon the determined level of risk.

B. When factors present indicate the client is in clear and imminent danger due to the severity of the mistreatment or self-neglect, or due to the vulnerability or physical frailty of the client, the county department shall:
1. Assign the referral a response priority one;

2. Instruct the caller to call 911 or the county department shall call 911, whichever is most appropriate based on the circumstances of the referral;

3. Respond with a face-to-face client contact, as outlined in Section 30.430, C, 2.

C. When factors present indicate the client is at urgent and significant risk of harm due to the severity of the mistreatment or self-neglect, or due to the vulnerability or physical frailty of the client, the county department shall:

1. Assign the referral a response priority two;

2. Make a face-to-face client contact within twenty-four (24) clock hours, including non-business hours.
   a. When the initial attempt to contact the adult is unsuccessful, an attempt at contact shall be made each of the following two days.
      1) A law enforcement welfare check may be substituted for one attempt at contact, but does not qualify as the required face-to-face contact.
      2) If the county department has confirmed the client to be unavailable or safe, the reason for delayed response shall be documented.
      3) Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
   b. Following the third unsuccessful attempt at contact, the county department may choose to send a letter requesting an appointment with the client.
   c. If attempts at contact remain unsuccessful, the county department shall close the referral no later than 20 working days after receipt of the report.
   d. The county department shall document all attempts to contact the client.

D. When factors present indicate the client is not in imminent danger or urgent risk of harm but mistreatment or self-neglect is present or conditions exist that might reasonably result in mistreatment or self-neglect, the county department shall:

1. Assign the referral a response priority three.

2. Make face-to-face contact with the client no later than three (3) working days beginning the day after the county department’s receipt of the report.
   a. When the initial attempt at face-to-face contact with the adult is unsuccessful, an attempt at face-to-face contact shall be made every other day for a minimum of three attempts.
      1) If the county department has confirmed the adult to be unavailable or safe, the reason for delayed response shall be documented.
      2) Initial and subsequent attempts at contact shall begin immediately when the adult becomes or is expected to become available.
b. Following the third unsuccessful attempt at contact, the county department may choose to send a letter requesting an appointment with the adult.

c. If attempts at contact remain unsuccessful, the county department shall close the referral no later than 20 working days after receipt of the report.

d. The county department shall document all attempts to contact the adult.

E. Prior to the initial face-to-face visit, the county department shall determine whether:

1. The visit and investigation should be made in conjunction with law enforcement and/or personnel from other agencies in accordance with the county department’s cooperative agreements;

2. The client is in the data system and/or is otherwise known to the county department;

3. Safety concerns exist, based on historical data and information provided in the referral, requiring the caseworker to be accompanied by:
   a. Law enforcement;
   b. The supervisor;
   c. Another case worker; or,
   d. Emergency, medical, and/or mental health personnel, if known or suspected medical or psychiatric conditions exist.

F. When the report originally appears to indicate a need for a face-to-face investigation but further assessment determines that a face-to-face contact is not required to resolve potential risk, the county department may provide telephone response and assistance. Referrals appropriate for telephone response and assistance include those:

1. That present heightened worker safety concerns and upon consultation, law enforcement directs APS not to respond.

2. That present heightened worker safety concerns due to environmental or infectious disease concerns and upon consultation, first responders, public health officials, and/or code enforcement directs APS not to respond.

3. In which it is determined that responsible family is aware of the concerns and is working appropriately to address the concerns.

4. Regarding a chronic situation in which APS has had a visit with the competent client in the past 20 working days and determined APS intervention is unwanted or could not resolve the concern.

5. In which the client is competent and able, with assistance from APS or other support systems, to arrange services.

6. Regarding clients that have a case manager in place, such as a Single Entry Point (SEP) case manager, and calls between APS and the case manager can resolve the reporter’s concerns.
7. In which the client is hospitalized or institutionalized prior to the initial visit, and the county has determined that ongoing protective services is not required. If the client is hospitalized or institutionalized outside the county and requires ongoing protective services, the referral shall be transferred as outlined in Section 30.720.

30.500 INVESTIGATION AND ASSESSMENT

30.510 INVESTIGATION AND ASSESSMENT OVERVIEW [Eff. 8/1/12]

A. The county department shall begin an investigation and/or assessment into the allegations during the initial face-to-face visit to further clarify the level of risk of mistreatment or self-neglect to the client and the client’s immediate needs.

B. The investigation and assessment may be conducted independent of one another or simultaneously, depending on the nature of the allegations.

30.520 INVESTIGATION [Eff. 8/1/12]

A. The county department shall conduct an investigation to determine findings related to allegations of mistreatment. The investigation shall include, but may not be limited to:

1. Determining the need for protective services. If the client is in clear and imminent danger, the county shall intervene immediately by notifying the proper emergency responders;

2. Conducting a face-to-face interview with the client, unannounced and in private, whenever possible;

3. Conducting interviews with collateral contacts;

4. Interviewing the alleged perpetrator(s), with or without law enforcement, when appropriate and safe;

5. Collecting evidence and documenting with photographs or other means, when appropriate;

6. Determining the level of risk, based on the investigative findings;

7. Making a finding regarding the substantiation or unsubstantiation of the allegations;

8. Determining the identity of the perpetrator(s) of the mistreatment, if substantiated;

9. Determining whether there are additional mistreatment concerns not reported in the initial allegations and investigating any identified concerns; and,

10. Notifying law enforcement when criminal activity is suspected.

B. Notwithstanding any provision of Section 24-72-204, C.R.S., or Section 11-105-110, C.R.S., or any other applicable law concerning the confidentiality of financial records, the county department shall be permitted to inspect all records of the at-risk adult on whose behalf an investigation is being conducted related to exploitation, including the at-risk adult's financial records, upon execution of a prior written consent form by the at-risk adult, in accordance with Section 6-21-103, C.R.S.

C. The county department shall:
1. Complete the initial investigation within thirty (30) working days of the receipt of the referral. If the investigation cannot be completed within this time frame, the county department shall document the reason why in the data system.

2. Document the investigation in the data system within five (5) working days of completion of the investigation, to minimally include window fields and narrative of the:
   a. Allegations;
   b. Mistreatment category(ies) identified by the reporter and any additional mistreatment or self-neglect identified during the investigation;
   c. Worker safety issues, if different from the information in the initial referral;
   d. Client interview information;
   e. Alleged perpetrator(s) information, if applicable;
   f. Collateral interview information;
   g. Evidence collected;
   h. A determination of whether the allegation(s) and additional mistreatment or self-neglect identified during the investigation is substantiated, unsubstantiated, or is inconclusive; and,
   i. The date referred to law enforcement or the District Attorney, and a description of law enforcement or District Attorney (DA) involvement, if any.

30.530 ASSESSMENT [Eff. 8/1/12]

A. The county department shall assess the client to determine if there is a need for protective services. If the client is in clear and imminent danger, the county shall intervene immediately by notifying the proper authorities or arranging for appropriate emergency responders.

B. The county department shall determine the indicators and level of risk by assessing the client’s strengths and needs in the following six assessment status areas, as applicable:

1. Physical status, including the client’s ability to perform various activities of daily living and any indicators of physical (including sexual) trauma to or neglect of the client;
2. Environmental status, including the conditions within the client’s residence, the availability of food and drinking water, and the functionality of heating, plumbing, and electrical systems;
3. Resource and financial status, including the client’s income, sources of income, status of bank accounts, monthly bills, assets, and the existence of others assuming authority over the client’s finances;
4. Medical status, including the client’s current and previous medical conditions, hospitalizations, and prescribed medications;
5. Mental and behavioral status, including the client’s capacity to make decisions; ability to receive or communicate information; behaviors that threaten the safety of the client or
others; a history of mental health conditions, hospitalizations, and medications; and, the existence of others with legal authority for decision-making for the client; and,

6. Support system status, including family members, friends, caregivers, involvement with organizations, health providers, and legal representation.

C. The county department shall:

1. Complete the initial assessment within thirty (30) working days of the receipt of the referral. If the assessment cannot be completed within this time frame, the county department shall document the reason why in the data system.

2. Document the assessment in the data system within five (5) working days of completion of the assessment, to minimally include window fields and narrative of the:

A. Observations in each of the six assessment status areas, as applicable; and,

B. Risk factor(s), indicators, and risk level(s).

30.600 CASE PLANNING AND IMPLEMENTATION

30.610 CASE PLAN DEVELOPMENT [Eff. 8/1/12]

A. The county department shall develop a case plan for protective services based upon the findings of the investigation and assessment and in accordance with APS principles.

B. A case plan shall not be developed when the allegations are unfounded and there is no other identified mistreatment or self-neglect.

C. The case plan shall include:

1. Client strengths, including services in place, support systems, resources, and the client’s personal abilities;

2. Client needs, including the nature of the protective issue and/or needs of the client and why the client is unable to meet his/her own needs without APS intervention;

3. Service goals, including why the goal was identified, why it is the least restrictive intervention, how it will meet the client’s needs and reduce risk, the person responsible for implementing the goal, and the implementation date; and,

4. Client’s and/or client’s fiduciary’s input into the development of the case plan, including the client’s and/or the fiduciary’s consent to the overall plan and the specific goals as outlined in Section 30.620.

D. The county department shall:

1. Complete the initial case plan within 30 working days of the receipt of the referral. If the case plan cannot be completed within this time frame, the county department shall document the reason why in the data system.

2. Document the case plan, as developed in Section 30.610, C, in the data system within five (5) working days of completion of the case plan, to minimally include window fields and narrative.
E. The county department shall implement services, upon consent of the client, that are available in the community and that the client is eligible to receive at no or reduced cost or is able to pay for privately.

1. The county department shall not be required to provide and/or pay for services that are not available in the community or those that the client is not eligible to receive at no or reduced cost or is able to pay for privately; but,

2. The county department is urged to explore all available options, including private companies, to secure needed services.

30.620 CONSENT TO THE PROVISION OF SERVICES [Eff. 8/1/12]

A. If the client appears to have capacity to make decisions, the client’s consent or refusal to the provision of protective services shall be obtained and documented on the State Department prescribed form.

1. Written or verbal consent or refusal shall be obtained within 30 working days of receipt of the referral. If verbal consent or refusal is received, the caseworker shall document the verbal consent or refusal on the State Department prescribed form.

2. If a client refuses protective services, but consents to additional visits from the caseworker, the caseworker shall document the consent to visits on the State Department prescribed form and continue to conduct home visits to assess the client’s need for protective services.

3. Clients with capacity may refuse any or all services and may revoke consent at any time.

4. Caseworkers shall provide clients who refuse services with the caseworker’s contact information for future reference.

B. If a client is suspected to lack capacity to make decisions, is at risk for harm, and refuses to consent to services, the county department shall document the client’s inability to provide consent on the State Department prescribed form. The county department shall:

1. Make its best effort to obtain an evaluation of the client’s decision making capacity from a qualified professional; and,

2. Intervene as necessary to provide for the immediate safety and health of the client.

C. If a client lacks capacity and has a fiduciary to make decisions on behalf of the client, the county department shall consult with supervisors, the county director, the county attorney, law enforcement, and/or the district attorney to determine whether the county department should petition the court for a review of the fiduciary’s actions if:

1. The fiduciary refuses to allow the provision of protective services, which places the client at-risk for continued mistreatment or self-neglect; or,

2. There are allegations and evidence of mistreatment of the client by the client’s fiduciary.

D. The county department shall petition the court under the appropriate statute:

1. Uniform Power of Attorney Act, as outlined in Title 15, Article 14, Part 7, C.R.S.;

2. Guardianship or conservatorship statutes as outlined in Title 15, Article 14, Parts 3 and 4, C.R.S.;
3. Fiduciary oversight statute, as outlined in Title 15, Article 10, Part 5. C.R.S.

30.630 COURT INTERVENTION [Eff. 8/1/12]

A. When the investigation and assessment indicates probable incapacity and there is no other alternative to protect the client from mistreatment or self-neglect, the county department is urged to seek court intervention to petition the court for an order authorizing the provision of specific protective services and/or for the appointment of a guardian and/or conservator.

1. Prior to reaching a decision to petition the court, the following factors shall be investigated and documented in the data system:
   a. No other method of intervention will meet the client's needs.
   b. The degree of incapacity, as supported by medical or psychiatric evidence, and the degree of risk as supported by investigative evidence warrants this action.
   c. The suspected incapacity of the client and the degree of risk, as supported by the investigative evidence, warrants this action and medical or psychiatric evidence of incapacity cannot be obtained without court intervention.

2. The type of court intervention sought shall be the least restrictive intervention required to meet the needs of the client and only for those areas in which the adult lacks the capacity or ability to understand the consequences of decisions, as medically or psychiatrically substantiated.

B. In the absence of other responsible parties, such as family or friends, the county department is urged to accept guardianship and/or conservatorship.

1. The county department shall consult with an attorney prior to filing a petition and throughout the process.

2. The county department shall provide all information deemed necessary by legal counsel.

3. A representative of the county department shall be prepared to testify in support of the petition.

4. When a county department is appointed by the court to act as guardian or conservator, a copy of the letter of appointment and all other court documents and reports shall be maintained in the case file.

C. The county department shall not petition the court for guardianship solely to make medical decisions. The county department may accept such guardianship, if another agency or person petitions the court and the county department is appointed by the court.

D. The county department may choose to accept or reject any appointment of guardianship, based upon county department policy.

E. The county department shall initiate proceedings to withdraw as guardian and/or conservator when:

1. Medical or psychiatric evidence indicates a guardian and/or conservator is no longer necessary;

2. Another appropriate guardian or conservator has been identified; or,
3. The county department is no longer able to fulfill guardianship responsibilities as appointed.

F. When a person or agency other than the county department is requesting appointment as the guardian and/or conservator of the client, the county department shall assist responsible parties, as needed, in identifying legal counsel or provide other assistance in initiating the petition(s).

30.640 REPRESENTATIVE PAYEE [Rev. eff. 4/1/13]

A. The county department shall only apply for appointment as a representative payee when no other reliable person or agency is available and willing to seek the appointment and:

1. The reported financial issues pertaining to mistreatment and/or self-neglect have been substantiated and determined to present the potential for significant harm to the client's health, safety, or welfare without intervention; and,

2. Other less restrictive intervention options have been assessed and found to be inadequate to protect and assist the client; and,

3. Medical, psychiatric, and/or financial evidence exists to show the client is unable to manage his/her personal finances.

B. The county department shall follow the procedures and guidelines for payees as set forth by the SSA or other organization(s).

C. The county department shall initiate procedures, as outlined by the SSA or other organization(s), to discontinue its services as representative payee when:

1. Medical, psychiatric, and/or financial evidence indicates a payee is no longer necessary;

2. Another appropriate payee has been identified; or,

3. The county department is no longer able to fulfill payee responsibilities, as appointed.

30.645 TRUST ACCOUNTS [Eff. 4/1/13]

A. The county department shall ensure that all guardianships, conservatorships, representative payeeships, and personal needs accounts that are held by the county department, and in which the county department has some financial authority or responsibility, have an established trust account.

B. The established trust account shall bear the name of the county department or the name and the title of the director of the county department as trustee for the client or as otherwise required by the Social Security Administration (SSA).

1. Withdrawals from savings, checking, or investment accounts shall require two signatures, neither of which may be the caseworker or the bookkeeper.

2. Shortages in trust accounts are the responsibility of the county department.

C. The county department shall manage any trust account established pursuant to such department's fiduciary duty as a guardian, conservator, representative payee, or other purpose in accordance with any State and Federal requirements for said accounts.

30.650 PROVISION OF PROTECTIVE SERVICES [Eff. 8/1/12]
A. The county department shall maintain ongoing client contact as long as the case is open, to include, at a minimum:

1. A face-to-face client contact shall occur at least every thirty (30) calendar days.
   a. When the client resides in a supervised in-home or facility setting that reduces the possibility of further mistreatment or self-neglect, a face-to-face contact shall occur at least every sixty (60) calendar days.
   b. A face-to-face or telephone contact shall be made with the caretaker or responsible collateral at the facility at least once midway through the sixty (60) day period.

2. Continued investigation, as needed;

3. Continued assessment of the client’s needs; and,

4. Implementation of the case plan goal(s) and update of the case plan as goals are completed and/or added.

B. The county department shall provide protective services for the shortest duration necessary to ensure the client’s safety by implementing case plan goals as quickly as possible in order to stabilize the client’s situation and prevent further mistreatment or self-neglect.

C. The county department shall document all significant case information in the data system within ten (10) working days of receipt of the information, to minimally include:

1. Observations made during required client contact visits and/or collateral contacts;

2. New information learned as a result of ongoing investigation and assessment; and,

3. Court and/or fiduciary related information.

D. The county department shall reassess the client’s needs and the provision of protective services at least every six months as long as the case remains open, by:

1. Completing a new assessment and case plan;

2. Staffing the case to determine the appropriateness of continuing protective services, based on the new assessment and case plan; and,

3. Documenting the reassessment within ten (10) working days of completing the reassessment, to minimally include:
   a. A narrative in the data system outlining the assessment findings and new case plan;
   b. Updates to the data system windows to document current mistreatment and self-neglect, risk level, risk indicators, risk factors, and case plan; and,
   c. Updates to the data system of any change in fiduciary status.

30.660 CASE CLOSURE [Eff. 8/1/12]

A. Cases not requiring additional protective services shall be closed within 30 working days of the last phone, mail, or face-to-face contact with the client.
B. Cases in which the client is relocated to a long-term care facility may remain open for up to three (3) months in order to monitor the continuing need for long-term care.

C. Cases in which the county department has been appointed as the client’s guardian, conservator, and/or representative payee shall remain open for the duration of the court order or for as long as the county remains as the representative payee.

D. A decision to close a case shall be made for any or all of the following reasons:

1. After investigation and assessment, the client does not meet the definition of an at-risk adult.

2. After investigation and assessment, the allegations are determined to be unsubstantiated.

3. The investigation and assessment substantiates situations of actual or potential mistreatment or self-neglect and the client is competent to make decisions and refuses services.

4. If, after repeated and documented efforts, the whereabouts of the client cannot be established.

5. The client no longer needs protective services.

6. Service goals are completed.

7. Repeated efforts at service delivery have proven to be ineffective and no additional alternatives exist.

8. The client died. The case may remain open for as long as activities related to the settlement of the client’s estate continue.

E. The county department shall document the case closure, to minimally include:

1. A narrative in the data system that includes:
   a. Findings of mistreatment or self-neglect;
   b. Client’s current and ongoing needs;
   c. Perpetrator’s status and/or ongoing involvement;
   d. Overall outcome of intervention on risk; and,
   e. The reason for case closure.

2. Update of the data system to close all windows.

30.700 COUNTY ASSIGNMENT, CASE TRANSFER, AND COURTESY VISITS

30.710 COUNTY ASSIGNMENT [Eff. 8/1/12]

A. The county department of permanent residence shall receive and respond to reports, except in the following situations:

1. When the client does not have an open case and is temporarily located in a county other than his or her permanent county of residence, the county in which the adult is temporarily located shall be the originating county and shall provide services.
a. When the client returns to his or her permanent county of residence, the case shall be transferred as outlined in Section 30.720.

b. Homeless clients shall be provided services by the originating county until the client is no longer located within the county or is located more than 75 miles from the originating county department office, whichever is further.

2. When the client has an open APS case in his or her permanent county of residence, and is temporarily located in a county other than his or her permanent county of residence, the county department of permanent residence shall provide protective services for the adult.

a. The county of permanent residence may transfer the case, as outlined in section 30.720, if the adult’s move is permanent.

b. The county of permanent residence may request courtesy visits by the county of temporary residence, as outlined in Section 30.730, if the adult’s current location is temporary.

B. County departments shall work collaboratively to provide protective services to clients experiencing atypical living situations.

30.720 CASE TRANSFER [Eff. 8/1/12]

A. When a client relocates to a new county, the case shall be transferred to the receiving county department, except in situations as outlined in Sections 30.710 and 30.720, B.

1. Within three (3) working days after the county department’s decision to transfer a case, the county department of former residence shall notify the receiving county department of the client’s relocation.

2. In situations where a case has been transferred, case record information shall be supplied to the receiving county department within fifteen (15) working days from the day that the former county department notified the receiving county department of the transfer.

3. The receiving county department shall consider the transfer as a new referral and shall establish a timeframe for investigation as specified in Section 30.430.

4. If, after repeated and documented efforts, the receiving county department is unable to locate the client, the receiving county department shall notify the former county department and the case may be closed.

B. When a client relocates to a new county, the case may remain with the former county department if:

1. Transfer would adversely affect the client’s health, safety, or welfare; and/or,

2. The case is within three months of resolution and the former county department chooses to retain the case; and/or,

3. The former county department holds representative payeeship and chooses to retain the case; and/or,

4. The former county department holds guardianship or conservatorship.
   a. As specified in a written agreement, either the former or receiving county department may provide protective services.
b. Either county department may, with the agreement of the receiving county department, petition the court for a transfer of guardianship and/or conservatorship to the receiving county department.

30.730 COURTESY VISITS [Eff. 8/1/12]

A. When a client permanently relocates to a licensed facility more than 75 miles outside the county boundary and the county department of original residence maintains the case, as outlined in Section 30.720, B, the county departments shall ensure ongoing protection services, as follows:

1. Bi-monthly face-to-face visits, required by Section 30.650, A, may be conducted by the county of original residence or may be conducted via courtesy visits by the county department in which the facility is located or by another county department that is visiting the facility.

2. No county department shall be required to provide more than three courtesy visits per twelve (12) month period, at the request of the county department of original residence. County departments may negotiate to provide more than three courtesy visits.

3. The county department of original residence shall obtain written confirmation of the schedule of courtesy visits.

4. Upon completion of each courtesy visit, the county department that conducted the visit shall provide the county department of original residence with written documentation of the adult's current situation, including recommendations for continuing the existing, or providing additional, services.

5. In months where a face-to-face visit is not required by rule, oversight through telephone contact with appropriate facility staff, such as the administrator, social worker, or nursing staff shall be provided by the county department of original residence.

6. A county department conducting a courtesy visit shall not document the visit as a new report or case for the purpose of data collection.

B. When a client temporarily relocates (three months or less) to a county more than 75 miles outside the original county boundary, the county department of temporary residence or another county department shall ensure ongoing protective services, as follows:

1. Bi-monthly face-to-face visits, required by Section 30.650, A, may be conducted by the county of original residence or may be conducted via courtesy visits by the county department in which the client is located or by another county department.

2. When monthly face-to-face visits are required as defined by rule, the county department of permanent residence may request a courtesy visit.

3. The county department of temporary residence or another county department may provide a monthly face-to-face visit, as a courtesy to the county department of permanent residence.

4. The county department of permanent residence shall obtain written confirmation or denial of the courtesy visit request.

5. Upon completion of the courtesy visit, the county department shall provide the county department of permanent residence with written documentation of the adult’s current situation, including recommendations for continuing existing or providing additional services.
6. The county department conducting a courtesy visit shall not document the visit as a new report or case for the purpose of data collection.

7. If the county of temporary residence or another county does not provide a courtesy visit, the county of permanent residence shall conduct the visit.

30.800 COMMUNITY COLLABORATION

30.810 COOPERATIVE AGREEMENTS [Eff. 8/1/12]

A. The county department shall develop cooperative agreements in conjunction with its local:
   1. Law enforcement agencies;
   2. District Attorney;
   3. Long-Term Care Ombudsman; and,
   4. Community Centered Board.

B. The focus of such agreements shall be the coordination of investigations and protective services that promotes the protection of at-risk adults and each agreement shall provide that each agency shall maintain the confidentiality of the information exchanged pursuant to joint investigations.

C. The agreement with law enforcement shall include, at a minimum:
   1. A process outlining the role of law enforcement for receiving, assessing, referring, and responding to reports received during the county department's non-business hours, if applicable;
   2. A procedure regarding the county department's submission of written and/or verbal reports of mistreatment and self-neglect to the local law enforcement agency(ies);
   3. Procedures for the provision of assistance from one agency upon the request of the other agency;
   4. Procedures to coordinate investigative duties; and,
   5. The beginning and ending date of the agreement, the term of which shall not exceed five years.

D. The agreement with the District Attorney shall, at a minimum, include:
   1. A procedure regarding the county department's submission of written and/or verbal reports of mistreatment and self-neglect to the District Attorney;
   2. Procedures for the provision of assistance from one agency upon the request of the other agency;
   3. Procedures to coordinate investigative duties; and,
   4. The beginning and ending date of the agreement, the term of which shall not exceed five years.

E. The agreement with the Long-Term Care Ombudsman shall, at a minimum, include:
1. A procedure regarding the submission of written and/or verbal reports of mistreatment and self-neglect from one agency to the other;

2. Procedures for the provision of assistance from one agency upon the request of the other agency;

3. Procedures to coordinate investigative duties; and,

4. The beginning and ending date of the agreement, the term of which shall not exceed five years.

F. The agreement with the Community Centered Board shall, at a minimum, include:

   1. A procedure regarding the submission of written and/or verbal reports of mistreatment and self-neglect from one agency to the other;

   2. Procedures for the provision of assistance from one agency upon the request of the other agency;

   3. Procedures to coordinate investigative duties; and,

   4. The beginning and ending date of the agreement, the term of which shall not exceed five years.

30.820 COLLaboration [Eff. 8/1/12]

A. The county department shall collaborate with other government and community agencies, such as but not limited to, mental health centers and Area Agencies on Aging, to coordinate services that promote the protection of at-risk adults.

B. The county department is urged to develop cooperative agreements with those agencies to help ensure the best outcomes for clients.

C. The county department shall coordinate investigations in facilities, which include:

   1. Medical and long-term care facilities, group homes, and alternative care facilities, required to be licensed by the Colorado Department of Public Health and Environment (CDPHE); and,

   2. Any site or home that provides care for less than three persons and are not required to be licensed by CDPHE; but,

   3. Does not apply to an adult’s private residence in which 24-hour care is provided only to that adult.

D. Investigations in facilities may require multi-agency cooperation and the county department may be asked to monitor or assist with an investigation conducted by another agency, such as:

   1. Law enforcement;

   2. District Attorney's office;

   3. Colorado Attorney General's office;

   4. Colorado Department of Public Health and Environment (CDPHE);
5. Colorado Department of Human Services:
   a. Alcohol and Drug Abuse Division (ADAD);
   b. Division of Mental Health;
   c. Division of Child Welfare; or,
   d. Division for Developmental Disabilities;
6. Long-Term Care Ombudsman Program; and/or,
7. Legal Center for People with Disabilities and Older People.

E. The county department shall conduct the investigation in a facility when:
   1. The county department is the adult's guardian;
   2. There are significant indicators of financial exploitation;
   3. There is significant physical injury to the resident as a result of mistreatment;
   4. Allegations of sexual assault or sexual abuse are made, and law enforcement is not going to be involved;
   5. Law enforcement indicates abuse occurred and is likely to continue but not enough evidence exists to bring criminal charges; or,
   6. Resident abuse by a person living outside the facility has occurred, and law enforcement is not going to be involved.

F. APS will usually not investigate reports in facilities involving:
   1. Resident to resident abuse, unless the facility, the CDPHE, and/or the Long-Term Care Ombudsman is unwilling or unable to resolve the issue;
   2. Staff to resident abuse, unless the CDPHE and/or law enforcement are unwilling or unable to resolve the issue;
   3. Occurrences reported by licensed facilities to the CDPHE or law enforcement; or,
   4. Resident's rights, quality of care, administrative policies and procedures, staffing, involuntary discharge, or issues regarding physical surroundings.

30.830 ADULT PROTECTION TEAMS [Eff. 8/1/12]

A. The director of each county department with ten (10) or more referrals of at-risk adult mistreatment and/or self-neglect in the prior state fiscal year is required to establish or coordinate an at-risk Adult Protection team.

   1. The county department may establish its own AP team or may coordinate with another contiguous county department(s) that is required to coordinate an AP team.
   2. Teams shall meet quarterly, at a minimum.
3. The role of the AP team shall be advisory only.

B. The purpose of the AP team shall be to:

1. Review the processes used to report and investigate mistreatment and self-neglect of at-risk adults;

2. Staff particular cases with team members, such as cases that:
   a. Have proven difficult to resolve and team members may be able to identify solutions; and,
   b. Are valuable for educating team members on APS program processes and requirements.

3. Facilitate interagency cooperation regarding services to at-risk adults; and,

4. Provide community education on the mistreatment and self-neglect of at-risk adults. The county department shall be the primary training agency, but may utilize training provided by team members or another designee. The county department shall:
   a. Determine the topic to be presented, based upon county department or community need;
   b. Use materials developed by the county department, the State Department, national associations, or other professional adult protective services agencies;
   c. At a minimum, provide five (5) training activities per fiscal year, in any combination of the following:
      1) A live presentation to a community or professional group;
      2) Participation in a senior or community forum, such as:
         a) Providing an article for a newsletter or local community newspaper; or,
         b) Providing brochures or other written materials at a county department or other community event.
      3) Sponsorship of a community Elder Abuse Awareness Day or similar event.

C. The director of the county department or the director’s designee shall identify and recruit team members consistent with professional groups as specified in Section 26-3.1-102(1)(b), C.R.S., and other relevant community agencies.

D. Each team member shall be advised of the confidential nature of his/her responsibilities in accordance with Section 26-3.1-102(7), C.R.S., and shall be required to sign a confidentiality agreement annually.

E. The team shall develop and adopt written by-laws that minimally include the team’s:

1. Purpose, as outlined by statute;

2. Structure, including:
a. Meeting facilitation, including adjournment to executive session prior to staffing any case or discussing any APS client or community member;

b. Frequency of meetings; and,

c. Composition of the team.

3. Rules for membership, including:

a. Member duties;

b. Terms of office; and,

c. Process for resignation and causes for termination from the team.

4. Process for handling potential conflicts of interest.

F. The county department shall complete and submit to the State Department no later than August 31 an annual Adult Protection team report, which details team activity for the prior fiscal year, utilizing a State Department developed report form.

Editor's Notes

History

Entire rule eff. 08/01/2012.