

## **DEPARTMENT OF HUMAN SERVICES**

### **Adult Protective Services**

#### **ADULT PROTECTIVE SERVICES**

##### **12 CCR 2518-1**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### **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.

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.

Revisions to Sections 30.100, 13.210, 30.330, 30.410, 30.520, 30.610, 30.620, and 30.830 were final adoption following publication at the 2/7/2014 State Board rule-making session, with an effective date of 4/1/2014 (Rule-making# 13-7-16-1). 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 30.100, 13.210, 30.230 through 30.260, 30.310, 30.330 through 30.340, 30.410 through 14.530, 30.610 through 30.640, 30.650 through 30.660, 30.700 through 30.710 through 30.730, 30.810, and 30.830 were final adoption following publication at the 7/11/2014 State Board rule-making session, with an effective date of 9/1/2014 (Rule-making# 14-2-10-1). 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, State Board Administration.

#### **30.000 ADULT PROTECTIVE SERVICES**

##### **30.100 DEFINITIONS [Rev. eff. 9/1/14]**

The following definitions shall apply to these rules.

"Abuse", pursuant to Section 26-3.1-101(7)(a), C.R.S., means mistreatment that occurs where there is 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; or, where unreasonable confinement or restraint is imposed; or where there is subjection to nonconsensual sexual conduct or contact classified as a crime under the "Colorado Criminal Code", Title 18, Article 3, Part 4, C.R.S.

"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 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", pursuant to Section 26-3.1-101(1), C.R.S., 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", pursuant to Section 26-3.1-101(2), C.R.S., 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 or is paid to provide care or services to an at-risk adult.

"Caretaker neglect", pursuant to Section 26-3.1-101(2.3), C.R.S., means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for an at-risk adult or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding, 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 deemed caretaker neglect. As used in this subsection (2.3), "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 Order 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.

"Case" means a report that contains information indicating that there is an at-risk adult and a mistreatment category, and the report is screened in for investigation and/or further assessment.

"Caseload average" means the fiscal year monthly average sum of new reports plus ongoing cases per caseworker. The fiscal year caseload average is calculated as:  $[(\text{fiscal year total of new reports}/12) + (\text{beginning cases on July 1} + \text{ongoing cases on June 30}/2)]/\text{FTE on June 30} = \text{caseload average}$ .

"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.

"Clergy member", pursuant to Section 26-3.1-101(2.5), C.R.S., means a priest; rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order; or recognized leader of any religious body.

"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, Adult Protection Team activities, APS staff qualifications, FTE, ongoing training, cooperative agreements, and other activities required by rule.

"Enhanced supervision" means the data system security access that prevents a caseworker from finalizing an investigation, assessment, case plan, or case closure without supervisory approval.

"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.

"FTE" means Full Time Equivalent. The actual percentage of time a person works on the APS program shall be considered that person's FTE.

"Inconclusive finding" means that indicators of mistreatment, exploitation, or self-neglect may be present but the investigation could not confirm the evidence to a level necessary to substantiate the allegation.

"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.

"Minor impact" means the client may experience some difficulty with the assessment risk indicator, but there is very little impact on the client's overall health, safety, and/or welfare and no intervention is necessary to improve overall safety.

"Mistreatment", pursuant to Section 26-3.1-101(7), C.R.S., means an act or omission that threatens the health, safety, or welfare of an at-risk adult or that exposes an at-risk adult to a situation or condition that poses imminent risk of death, serious bodily injury, or bodily injury to the at-risk adult. Mistreatment includes, but is not limited to:

- A. Abuse that occurs:
  - 1. Where there is 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;
  - 2. Where unreasonable confinement or restraint is imposed; or,
  - 3. Where there is subjection to nonconsensual sexual conduct or contact classified as a crime under the "Colorado Criminal Code", Title 18, C.R.S.

- B. Caretaker neglect.

"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.

"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, exploitation, and self-neglect;
- B. Assessment of the at-risk adult's physical, environmental, resources and financial, medical, mental and behavioral, and support system needs;
- C. Protection from mistreatment;
- D. Coordination, implementation, delivery, and monitoring of services necessary to address the at-risk adult's safety, health, and welfare needs;
- E. Assistance with applications for public benefits and other services; and,
- F. Initiation of protective and probate proceedings under Colorado Revised Statutes.

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

"RED Team" is an acronym that stands for Review, Evaluate, and Direct. The RED Team is a decision making process that utilizes a structured framework to determine the county department's response to referrals.

"Report" means an oral or written report of suspected mistreatment or self-neglect of a suspected at-risk adult, received by the county department.

"Risk" means conditions and/or behaviors that create increased difficulty or impairment to the client's ability to ensure health, safety, and welfare.

"Safety" means the extent to which a client is free from harm or danger, or to which harm or danger is lessened.

"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", pursuant to Section 26-3.1-101(10), C.R.S., 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. 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.

"Significant impact" means that the client's impairment diminishes the client's health, safety, and/or welfare and intervention is necessary to improve overall safety.

"Staffing a case" means the review of an APS case between the supervisor and caseworker to ensure the appropriateness of the investigation findings, client assessment, case plan, 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, the State Department APS unit, and/or the APS Team in addition to the supervisor and caseworker.

"State Department" means the Colorado Department of Human Services.

"Substantiated finding" means that the investigation established by a preponderance of evidence that mistreatment, exploitation, or self-neglect has occurred.

"Unsubstantiated finding" means the investigation did not establish any evidence that mistreatment or self-neglect has occurred.

## **30.200 ADULT PROTECTIVE SERVICES PROGRAM ADMINISTRATION AND OVERVIEW**

### **30.210 APS PROGRAM ADMINISTRATION [Rev. eff. 9/1/14]**

- A. The Adult Protective Services (APS) Program is mandated by Title 26, Article 3.1, 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 utilize funding appropriated by the State Legislature to maintain a fiscal year caseload average of twenty-five to one (25:1), as intended by S.B. 13-111.
- C. The county department shall report to the State Department the active caseworker, case aide, and supervisory staff, including FTE, beginning July 1, 2014, and within three (3) working days whenever APS staff changes occur.
- D. 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.
- E. 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.
- F. 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, manually generated reports, quality improvement and assurance processes, and other forms of reporting.

**30.220 APS PROGRAM REVIEW AND OVERSIGHT [Rev. eff. 9/1/14]**

- 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 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 [Rev. eff. 9/1/14]**

- 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:
  - 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, exploitation, 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.
  - 6. Without regard to income, resources, or lawful presence.

**30.240 APS PRINCIPLES – CONSENT, SELF DETERMINATION, AND LEAST RESTRICTIVE INTERVENTION [Rev. eff. 9/1/14]**

- A. The client’s consent is not required for the county department to investigate or assess allegations of mistreatment, exploitation, 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 or as outlined in Section 30.600.
- 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. 9/1/14]**

- 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 client's physical, environmental, resources and financial, medical, mental and behavioral, 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, exploitation, 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 have been brought.

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 State Department shall ensure that only APS staff persons have access to the APS data system.
  4. Laptops and other mobile devices 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, exploitation, and self-neglect 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 [Rev. eff. 9/1/14]**

- A. The county department shall document all Adult Protective Services (APS) reports and case information in the data system. There shall be no parallel paper or electronic system used to enter APS documentation.
- B. All documents and evidence critical to the APS case record shall be scanned into the data system, to include:
  1. The release of information form(s) signed by the client;
  2. All of the client's Powers of Attorney(s), living will declaration, and/or other advance directives, as applicable;
  3. All documents, reports, and correspondence related to guardianship, conservatorship, and representative payeeship, whether county department held or private, as applicable; and,
  4. Other documentation, such as medical reports, results of psychiatric evaluations, photographic documentation, and other evidence collected during the investigation and assessment.
- C. Case records shall be retained for a minimum of three (3) years, plus the current year, after the date of case closure.

### **30.300 STAFF QUALIFICATIONS, TRAINING, AND DUTIES**

#### **30.310 EDUCATION AND EXPERIENCE QUALIFICATIONS [Rev. eff. 9/1/14]**

- 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 thirty (30) semester or forty-five (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 (1) 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 (6) 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.
- D. All APS staff education and experience shall be documented in the data system.

**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 [Rev. eff. 9/1/14]**

- 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 shall complete the APS training academy within nine months of hire or transfer to the APS Program.
    - a. Small counties with only one (1) caseworker who is less than a twenty-five percent (25%) FTE in APS shall complete the training academy within twelve (12) months of hire or transfer to the APS Program. Caseworkers are strongly urged to request support from the State Department on any cases opened prior to attending training academy.
    - b. Counties with a twenty-five percent (25%) or higher FTE in APS shall complete the training academy within nine (9) 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. The web-based training requirements shall be waived if the supervisor, manager, administrator, or director attends the APS training academy.
  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. APS intake screeners or other county department staff designated to receive reports of alleged mistreatment, exploitation, and self-neglect of at-risk adults shall complete the web-based enhanced screening training within sixty (60) days of hire or transfer to their position. 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 twelve (12) 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 thirty (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 or regional training;
      - 2) Quarterly training meetings;
      - 3) County department onsite training; and/or,
      - 4) 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) Child Welfare Training Academy coursework that has cross-over relevance and has been approved by the State Department APS unit;
      - 3) Other state or national APS conferences;
      - 4) Regional training or conference 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,

- 5) 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 twenty (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 ten (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 fifteen (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 less than twenty-five percent (25%) 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 twenty-five through forty-nine percent (25-49%) 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 fifty through seventy-four percent (50-74%) in APS shall complete a minimum of:
      - 1) Twenty-two (22) hours for caseworkers;
      - 2) Fifteen (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 seventy-five through one hundred percent (75-100%) in APS shall complete the full training requirement outlined in 30.330, B, 1-3.



- C. All training hours shall be documented in the data system within fourteen (14) calendar days of completion of the training.

**30.340 STAFF DUTIES AND RESPONSIBILITIES [Rev. eff. 9/1/14]**

- A. The direct supervisor shall, at a minimum:
  - 1. Receive reports of mistreatment, exploitation, and self-neglect as outlined in Sections 30.410 through 30.430.
  - 2. Evaluate the report and determine the response, and develop a plan for caseworker safety, as outlined in Sections 30.410 through 30.430. Counties may use the RED Team process.
  - 3. Staff open cases of each caseworker monthly to ensure cases meet program requirements related to the provision of protective services.
  - 4. Use the APS case review tool in the data system each month to review a minimum of fifteen percent (15%) of each caseworker's cases that were open and/or closed that month to ensure:
    - a. Timely casework;
    - b. Investigation, assessment, and case planning were thorough and complete;
    - c. Case closure, if applicable, was appropriate; and,
    - d. Documentation in the data system is thorough and complete.
  - 5. Assess APS caseworkers' professional development needs and provide opportunities for training.
  - 6. 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, exploitation, and self-neglect as outlined in Sections 30.410 through 30.430;
  - 2. Investigate allegations and assess the client's safety and needs as outlined in Section 30.500;
  - 3. Develop, implement, and 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 and document intake reports in the data system;
  2. Assign all reports to the supervisors for determination of appropriate response; and,
  3. Direct urgent calls to the appropriate internal and external authorities.

### **30.400 REPORT RECEIPT AND RESPONSE**

#### **30.410 INTAKE [Rev. eff. 9/1/14]**

- A. The county department shall receive oral or written reports of at-risk adult mistreatment, exploitation, 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 input oral reports directly in the data system. Written reports received via email, fax, or mail shall be documented in the data system within one (1) business day of receipt. If unable to enter the report in the system within one business day, the county department shall document the reason.
- D. The data system shall guide the information gathered for the report to include:
  1. The client'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, exploitation, or self-neglect;
  4. Safety concerns for the client;
  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.
- E. If a county department receives a report and determines that the report was made to the wrong county, the receiving county department shall forward the report to the responsible county department as soon as possible, but no later than eight (8) hours after determining the correct county.

### **30.420 REPORT CATEGORIZATION [Rev. eff. 9/1/14]**

- A. The county department shall review and evaluate the report to determine whether:
  - 1. The client meets the definition of an at-risk adult; and,
  - 2. The allegations involve mistreatment, exploitation, 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.
- B. The data system shall generate a response recommendation.
  - 1. The APS supervisor shall have the final decision to screen in or out the report.
  - 2. The APS supervisor shall document in the data system why the data system recommendation was reversed.
- C. The county shall document and screen all reports received from law enforcement, as a result of Section 18-6.5-108(2)(b), C.R.S, to determine if the victim and the allegations meet AP eligibility criteria outlined in Sections 30.230 and 30.420, A.
- D. Reports that do not involve an at-risk adult and mistreatment, exploitation, or self-neglect, as outlined in Section 30.420, A, shall be screened out. The county department shall not conduct an investigation.
  - 1. The county department shall provide information and/or referral(s) to the reporting party, as appropriate.
  - 2. The county department may inform the reporting party of the decision not to investigate.
  - 3. The county department shall document the reason the report was screened out.
- E. Reports that involve an at-risk adult and mistreatment, exploitation, or self-neglect, as outlined in Section 30.420, A, shall be screened in and are determined to be a case.

### **30.430 RESPONSE PRIORITY [Rev eff. 9/1/14]**

- A. The county department shall determine a timeframe response to the case based upon the reported level of risk.
- B. When factors present indicate the client is in clear and imminent danger or urgent and significant risk of harm due to the severity of the mistreatment, exploitation, or self-neglect, or due to the vulnerability or physical frailty of the client, the county department shall:
  - 1. Determine the case to be an emergency;
  - 2. Call 911, if appropriate based on the circumstances of the report; and,
  - 3. Make an initial response as soon as possible, but no later that twenty-four (24) hours including non-business hours, after the receipt of the report. An initial response shall be:
    - a. A face-to-face visit with the client; or,

- b. An attempted face-to-face visit with the client; or,
  - c. An outreach to another professional, such as law enforcement, Long Term Care Ombudsman, or hospital staff, to ascertain the client's immediate safety.
4. If the initial response was not a face-to-face contact with the client or the county department was unable to ascertain the client's safety, the county department shall attempt a face-to-face client contact each day following the initial attempt at contact, including non-business days.
- a. A law enforcement welfare check may be substituted for one attempt at contact, but does not qualify as the required face-to-face contact.
  - b. If the county department has confirmed the client to be unavailable or safe, the reason for delayed response shall be documented.
  - c. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
  - d. Following the third unsuccessful attempt at contact, the county department may choose to send a letter requesting an appointment with the client.
  - e. If attempts at contact remain unsuccessful, the county department shall close the referral no later than twenty (20) calendar days after the last attempt at contact.
  - f. The county department shall document in the data system all attempts to contact the client.
5. If the county department was able to ascertain safety, it shall make a face-to-face client contact on the first working day following the report. If the client is unavailable, such as in ICU, the county shall document why the face-to-face could not be completed.
- a. If the county department has confirmed the client to be unavailable, the reason shall be documented.
  - b. Initial and subsequent attempts at contact shall begin immediately when the client becomes or is expected to become available.
  - c. Following the third unsuccessful attempt at contact, the county department may choose to send a letter requesting an appointment with the client.
  - d. If attempts at contact remain unsuccessful, the county department shall close the case no later than twenty (20) calendar days after the last attempt at contact.
  - e. The county department shall document in the data system all attempts to contact the client.
- C. When factors present indicate the client is not in imminent danger or urgent risk of harm but mistreatment, exploitation, or self-neglect is present or conditions exist that might reasonably result in mistreatment, exploitation, or self-neglect, the county department shall:
- 1. Determine the case to be a non-emergency.
  - 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 client 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 client 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 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 case no later than twenty (20) calendar days after the last attempted contact.
  - d. The county department shall document all attempts to contact the client.
- D. Prior to the initial face-to-face client contact 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 report, 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.
- E. If the case 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 safety and risk concerns, the county department may provide telephone response and assistance. Cases 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 thirty (30) calendar 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.

### **30.500 INVESTIGATION AND ASSESSMENT**

#### **30.510 INVESTIGATION AND ASSESSMENT OVERVIEW [Rev. eff. 9/1/14]**

- A. The county department shall begin an investigation into the allegations and an assessment of the client's risk, safety, and strengths during the initial face-to-face visit to further clarify the level of risk of mistreatment, exploitation, 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 [Rev. eff. 9/1/14]**

- A. The county department shall conduct an investigation to determine findings related to allegations of mistreatment, exploitation or self neglect. 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. Making a finding regarding the substantiation or unsubstantiation of the allegations;
  7. Determining the identity of, and making a finding related to, the perpetrator(s) of the mistreatment, exploitation or self-neglect;
  8. Determining whether there are additional mistreatment concerns not reported in the initial allegations and investigating any identified concerns; and,
  9. Notifying law enforcement when criminal activity is suspected.

- B. The county department shall:
1. Complete and document the investigation in the data system within forty-five (45) calendar 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 to minimally include window fields and narrative of the:
    - a. Allegations;
    - b. Mistreatment category(ies) identified by the reporter and any additional mistreatment, exploitation, or self-neglect identified during the investigation, including a finding for each category;
    - c. Worker safety issues, if different from the information in the initial report;
    - d. Client interview information;
    - e. Alleged perpetrator(s) information, including a finding for each perpetrator, if applicable;
    - f. Collateral interview information;
    - g. Evidence collected;
    - h. Determination of whether the allegation(s) and any additional mistreatment, exploitation or self-neglect identified during the investigation are substantiated, unsubstantiated, or are inconclusive; and,
    - i. 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 [Rev. eff. 9/1/14]**

- 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 for each indicator a level of impact to the client's safety, health, and well being by assessing the client's strengths and needs in the following five (5) assessment status areas, as applicable:
1. Physical status, including the client's ability to perform various activities of daily living;
  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. Resources and financial status, including the client's income, ability to access income, changes in financial circumstances, unpaid bills, and signs of exploitation;

4. Medical status, including the client's current and previous medical conditions, hospitalizations, prescribed medications, insurance, and hearing, vision or dental needs; and,
  5. Mental and behavioral status, including the client's capacity to make decisions; ability to manage money or medication, ability to receive or communicate information; ability to plan and sequence; behaviors that threaten the safety of the client or others; a history of mental health conditions; and, any recent loss.
- C. The county department shall assess the client's support system status, including family members, friends, involvement with organizations, and any other natural support.
- D. The county department shall:
1. Complete and document the assessment in the data system within forty-five (45) calendar days of the receipt of the report. 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 to minimally include window fields and narrative of:
    - a. The observations in each of the six assessment status areas, as applicable; and,
    - b. The level of impact for all status area risk factor(s); and,
    - c. If a mitigating service is in place to improve safety.

### **30.600 CASE PLANNING AND IMPLEMENTATION**

#### **30.610 CASE PLAN DEVELOPMENT [Rev. eff. 9/1/14]**

- 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 unsubstantiated and there is no other identified need.
- C. The case plan shall be documented in the data system and 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 at a minimum to include a goal for all unmitigated factors with an impact to the client's safety, including why the goal was identified, why it is the least restrictive intervention, how it will meet the client's needs and desires 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 and document the case plan in the data system within forty-five (45) calendar days of the receipt of the report. 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 in the data system to minimally include window fields and narrative of the required elements outlined in Section 30.610, C.
- 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.
- F. If services are unavailable through other government programs or local service providers and the APS client is unable to pay for the services, the county shall utilize APS client services funds, within available appropriations, to purchase services for the APS client. APS county services funds shall be utilized:
1. APS client services funds shall be utilized in emergency situations, to include, but not limited to, emergency shelter, food, or utilities; and/or,
  2. For one-time, temporary, or short-term needs while the APS client is waiting for other service providers or funding sources to be approved and services begun; and/or,
  3. To develop a county or regional contract with an agency or professional to provide a specific service for multiple APS clients throughout the contract duration, such as a specialist to conduct in-home capacity evaluations, a registered nurse to do in-home medical evaluations, or a long-term care facility to provide emergency shelter beds.

### **30.620 PROVISION OF SERVICES [Rev. eff. 9/1/14]**

- 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 in the data system.
1. Consent or refusal shall be obtained within forty-five (45) calendar days of receipt of the report and documented in the data system.
  2. A client who consents shall be encouraged to sign a release of information that covers general, medical, and/or money management, as appropriate to the client's needs.
  3. If a client refuses protective services, but consents to additional visits or phone calls from the caseworker, the caseworker shall document the consent to visits or calls in the data system and continue to conduct home visits to assess the client's need for protective services.
  4. Clients with capacity may refuse any or all services and may revoke consent at any time.

5. Caseworkers shall provide clients who refuse services with the county department 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 in the data system. The county department shall ensure immediate safety and:
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.
  3. These situations shall be staffed with the supervisor and/or county attorney to:
    - a. Determine the client's risk and safety;
    - b. Assess the client's ability to consent;
    - c. Determine urgency of safety concerns if intervention is not taken;
    - d. Review previous interventions; and,
    - e. Ensure the intervention is done ethically and is the least restrictive intervention to ensure the client's safety.
- 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, exploitation or self-neglect; or,
  2. There are allegations and evidence of mistreatment or exploitation of the client by the client's fiduciary.
  3. The county department shall petition the court under the appropriate statute:
    - a. Uniform Power of Attorney Act, as outlined in Title 15, Article 14, Part 7, C.R.S.;
    - b. Guardianship or conservatorship statutes as outlined in Title 15, Article 14, Parts 3 and 4, C.R.S.; and/or,
    - c. Fiduciary oversight statute, as outlined in Title 15, Article 10, Part 5, C.R.S.

**30.630 COURT INTERVENTION [Rev. eff. 9/1/14]**

- A. When the investigation and assessment indicates probable incapacity and there is no other alternative to protect the client from mistreatment, exploitation 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 client 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 data system.
- 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. 9/1/14]**

- 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, exploitation, 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; or,
  4. The client dies.

**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 [Rev. eff. 9/1/14]**

- 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, exploitation 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, exploitation or self-neglect.
- C. The county department shall document all monthly contacts and other significant case information in the data system within fourteen (14) calendar days of the contact or 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 on or before the reassessment due date;
  - 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 fourteen (14) calendar days of completing the reassessment, to minimally include:
    - a. Completing a new the assessment as outlined in Section 30.530, C, 2;
    - b. Completing a new case plan as outlined in Section 30.610, D, 2; and,
    - c. Updates to the data system of any other changes in the case.

**30.660 CASE CLOSURE [Rev. eff. 9/1/14]**

- A. Cases not requiring additional protective services shall be closed within thirty (30) calendar 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, exploitation 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.
- E. The county department shall document the case closure in the data system, to minimally include:
1. Completion of a final assessment to determine the safety improvement as a result of APS intervention;
  2. Update of all case windows to reflect the most current data and information; and,
  3. Completion of the case disposition window to include a narrative to address the:
    - a. Reason for case closure;
    - b. Ongoing client needs;
    - c. Continuing perpetrator involvement, if applicable; and,
    - d. Safety outcome.

**30.700 COUNTY ASSIGNMENT AND COURTESY VISITS**

**30.710 COUNTY ASSIGNMENT [Rev. eff. 9/1/14]**

- 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 closed as outlined in Section 30.660.

- 1) If the client continues to need protective services, the originating county shall make a report to the permanent county of residence within one business day of learning of the move.
  - 2) The receiving county department shall review and screen the report and shall establish a timeframe for investigation as specified in Section 30.430.
- 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 seventy-five (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 client.
- a. The county of permanent residence may close the case, as outlined in section 30.660, if the client's move is permanent.
    - 1) If the client continues to need protective services, the originating county shall make a report to the permanent county of residence within one business day of learning of the move.
    - 2) The receiving county department shall review and screen the report and shall establish a timeframe for investigation as specified in Section 30.430.
  - b. The county of permanent residence may request courtesy visits by the county of temporary residence, as outlined in Section 30.720, B, if the client's current location is temporary.
- B. When a client relocates to a new county, the case may remain with the former county department only when:
1. Opening a case in another county 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.
- C. County departments shall work collaboratively to provide protective services to clients, as needed.

### **30.720 COURTESY VISITS [Rev. eff. 9/1/14]**

- A. When a client temporarily or permanently relocates to a licensed facility more than seventy-five (75) miles outside the county boundary and the county department of original residence maintains the case, as outlined in Section 30.710, B, the county departments shall ensure ongoing protection services.
- B. 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.
- C. 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.
- D. The county department of original residence shall obtain written confirmation of the schedule of courtesy visits.
- E. Upon completion of each courtesy visit, the county department that conducted the visit shall document in the data system the adult's current situation, including recommendations for continuing the existing, or providing additional, services within fourteen (14) calendar days.
- F. 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.
- G. A county department conducting a courtesy visit shall not document the visit as a new report or case for the purpose of data collection.

### **30.800 COMMUNITY COLLABORATION**

#### **30.810 COOPERATIVE AGREEMENTS [Rev. eff. 9/1/14]**

- A. Per Section 26-3.1-103(2), C.R.S., 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 sharing of reports of mistreatment, exploitation, and self-neglect between the local law enforcement agency(ies) and the county department;
  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 sharing of reports of mistreatment, exploitation, and self-neglect between the District Attorney and the county department;
  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 sharing of reports of mistreatment, exploitation, 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 sharing of reports of mistreatment, exploitation, 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 [Rev. eff. 9/1/14]**

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 Adult Protection Team.

1. The county department may establish its own Team or may coordinate with another contiguous county department(s) that is required to coordinate a Team.
2. The Team shall meet quarterly, at a minimum.
3. The county department shall determine the level of decision making authority for the Team. The role of the Team may be advisory only.

B. The purpose of the 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 or possible cases with Team members, such as those that:
  - a. Have proven difficult to resolve and Team members may be able to identify solutions;
  - b. Are situations where early intervention by other community systems may prevent mistreatment; and/or,
  - c. Are valuable for educating Team members on APS program processes and requirements.
3. Facilitate interagency cooperation regarding services to at-risk adults including the development of solutions and action steps necessary to reduce risk; 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 or a Memorandum of Understanding that minimally include the Team's:
    - 1. Purpose;
    - 2. Structure, including:
      - a. Meeting facilitation. Teams that conduct education to the community as part of the Team meeting shall adjourn 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. Process for resignation and causes for termination from the Team.
    - 4. Process for handling potential conflicts of interest.
  - F. The county department shall enter all Team activities in the data system within fourteen (14) calendar days of the activity.
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## **Editor's Notes**

### **History**

Entire rule eff. 08/01/2012.

Rules SB&P, 30.250, 30.640, 30.645 eff. 04/01/2013.

Rules SB&P, 30.100, 30.210, 30.330, 30.410, 30.520, 30.610 – 30.620, 30.830 eff. 04/01/2014.

Rules SB&P, 30.100 – 30.220.B.5, 30.230 – 30.310, 3.330 – 30.640, 30.650 – 30.810, 30.830 eff. 09/01/2014.