**APS Definitions**

**Upon receiving a report of alleged abuse, financial exploitation, neglect, or self-neglect of an elder- adult at risk, the elder-adult-at-risk agency, shall respond to the report by conducting an investigation within 24 hours after a report is received, excluding Saturdays, Sundays and legal holidays. The agency shall coordinate its investigatory efforts with other investigative agencies or authorities as appropriate.**

**Adult Protective Services - Definitions**

**Adult at Risk** - any adult who has a physical or mental condition that impairs the ability to care for their needs and who has experienced, is experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. (Wis. Stat. §55.01(1e))

**Elder Adult at Risk** - any person age 60 or older who has experienced, is experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. (Wis. Stat. §46.90)

**Abuse** - per Wis. Stat. §46.90(1) can mean any of the following:

1. **Physical abuse** - intentional or reckless infliction of physical pain or injury, illness, or any impairment of physical condition.
2. **Emotional Abuse** - language or behavior that serves no legitimate purpose and is intended to intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.
3. **Sexual Abuse** - sexual contact or intercourse with another person without consent (a violation of criminal assault law, §940.225 (1), (2), (3), or (3m)).
4. **Treatment without Consent** - the administration of medication or the performance of psychosurgery, electro-convulsive therapy, or experimental research on an individual who has not provided informed consent, with the knowledge that no lawful authority exists for the administration or performance.
5. **Unreasonable Confinement or Restraint** - the intentional and unnecessary confinement of an individual in a locked room, involuntary separation from his or her living area, use of physical restraints, or the provision of unnecessary or excessive medication. (Note: This does not include the use of these methods or devices if they conform with state and federal standards governing confinement and restraint.)

**Caregiver** - a person who has taken responsibility for all or part of an individual's care. (Wis. Stat. §46.90(1)(an))

**Financial Exploitation** - as defined in Wis. Stat. §46.90(1)(ed), means any of the following:

1. Obtaining an individual's money or property by deceiving or enticing the individual.
2. Forcing, compelling, or coercing an individual to give, sell at less than fair market value, or in other ways transfer money or property against their will without informed consent.
3. Theft, as prohibited in §943.20.
4. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.
5. Unauthorized use of an individual's personal identifying information or documents, as prohibited in §943.201.
6. Unauthorized use of an entity's identifying information or documents, as prohibited in §943.203.
7. Forgery, as prohibited in §943.38. 7. Financial transaction card crimes, as prohibited in §943.38.
8. Financial transaction card crimes, as prohibited in §943.41.

**Fiscal Agent** - as defined in Wis. Stat. §46.90(1), includes any of the following:

1. A guardian of the estate appointed under §54.10.
2. A conservator appointed under §54.76.
3. An agent under a power of attorney under Chapter 244.
4. A representative payee under 20 CFR 416.635.
5. A conservatorship under the U.S. Department of Veterans Affairs.

**Neglect** - the failure of a caregiver, as evidenced by an act, omission, or course of conduct, r to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. "Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under Chapter 154, a power of attorney for health care under Chapter 155, or as otherwise authorized by law. (Wis. Stat. §46.90(1)(f))

**Self-Neglect** - a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care. (Wis. Stat. §46.90(1)(g))

**Adult Protective Services (APS)** - any services that when provided to an individual with developmental disabilities, degenerative brain disorder, serious and persistent mental illness, or other like incapacity, keep the individual safe from abuse, neglect, or financial exploitation, prevent the individual from experiencing deterioration, or stop the individual from inflicting harm on oneself or another person. (Wis. Stat. §55.01(6r))

The terms **adult protective services agency** the agency or agencies to which the county has assigned responsibility under Wis. Stat. §55.02 for planning and carrying out the county's protective services responsibility.

<https://www.dhs.wisconsin.gov/aps/definitions>

**Sexual Abuse Screen In/Out Criteria**

From NAPSA: Sexual abuse: includes physical force, threats or coercion to facilitate non-consensual touching, fondling, intercourse or other sexual activities. This is particularly true with vulnerable adults who are unable to give consent or comprehend the nature of these actions.

From WI State Statue: **Sexual Abuse** - sexual contact or intercourse with another person without consent (a violation of criminal assault law, §940.225 (1), (2), (3), or (3m)).

**Screen In Screen Out**

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| Sudden inability to meet essential physical, psychological or social needs threatening health, safety or well-being | If the sexual act was consensual and the alleged victim is not incapacitated |
| Disappearing from contact with neighbors, friends or family |  |
| Bruising or welts on the skin, especially those appearing on the face or lateral and anterior region of the arms |  |
| Fingerprints or handprints visible on the face, neck, arms or wrists |  |
| Burns from scalding, cigarettes, or in shapes of objects such as an iron |  |
| Cuts, lacerations or puncture wounds |  |
| Sprains, fractures or dislocations |  |
| Internal injuries or vomiting |  |
| Appearing with torn, stained, bloody clothing |  |
| Appearing disheveled, in soiled clothing or inappropriately attired for climate |  |
| Appearing hungry, malnourished, disoriented or confused |  |
| In a facility, APS will report incident to DQA |  |
| Involving one or more people without decisional capacity engaged in sexual acts |  |

**Self-Neglect-Screen In/ Out Criteria**

Self-neglect" means a significant danger to an individual's physical or mental health because the individual is responsible for his or her own care but fails to obtain adequate care, including food, shelter, clothing, or medical or dental care. (from Wis Stat 46.90(1) (g))

**Screen-In** **Screen-Out**

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| Concerns regarding access to adequate care (food, shelter, clothing) | Inadequate resources posing an immediate safety concern.  Physical environment is unsanitary or unsafe resulting in putting a person into a dangerous situation or posing a dangerous threat to others.  Imminent risk of losing housing and does not appear to have capacity or support to make alternate housing arrangements.  Person is over 60 with a known or suspected permanent incapacity and does not have adequate physical or cognitive capacity to provide for their basic self-care. | Lack of access to resources but person makes alternate provisions to meet daily needs.  Physical home environment is hoarded or unsanitary but person (or, people) chooses to remain and are not in imminent danger due to the environment. |
| Concerns regarding access to medical or dental care | Lack of insight to chronic medical issues.  Inability to understand consequences of not following through with prescribed medical care.  Mismanagement of medication or home medical follow by act or omission that places a person into danger or medical crisis. | Refusal of medical or dental care consistent with a person’s religious or spiritual belief system.  Terminally ill and/or hospice patient that is refusing extra-ordinary means due to end of life status consistent with living will and/or expressed wishes. |

**Neglect by Other: Screen In/Out Criteria**

Neglect" means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision for an individual, including food, clothing, shelter, or physical or mental health care, and creating significant risk or danger to the individual's physical or mental health. “Neglect" does not include a decision that is made to not seek medical care for an individual, if that decision is consistent with the individual's previously executed declaration or do-not-resuscitate order under ch. [154](https://docs.legis.wisconsin.gov/document/statutes/ch.%20154), a power of attorney for health care under ch. [155](https://docs.legis.wisconsin.gov/document/statutes/ch.%20155), or as otherwise authorized by law. (from Wis Stat 46.90 (1) (f))

“Caregiver" means a person who has assumed responsibility for all or a portion of an individual's care voluntarily, by contract, or by agreement, including a person acting or claiming to act as a legal guardian. (from Wis Stat 46.90 (1) (an)) Caregiver in these definitions refers to non-facility caregivers.

**Screen In Screen Out**

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| Concerns regarding the Caregiver. | Incapacitated caregiver (i.e. cognitively or physically) unable making them unable to provide for adequate care and supervision for a client that requires assistance with cares for their essential health and safety.  Caregiver failing/unable to provide with adequate assistance with IADLS or ADLS leading to harm to the client.  Caregiver is exploiting funds for their benefit and depriving the client of needed services without the consent or knowledge of the client.  Caregiver is involved with criminal and/or dangerous activities that put the client’s health and safety at risk. | Incapacitated Caregiver but alternate arrangements are made for care of client.  Concerns about caregivers in an institutional or residential setting such as a skilled nursing facility, licensed CBRF or AFH. |
| Concerns regarding caregiver’s ability to meet client’s basic needs and access services. | Failure of a caregiver to authorize or work with services necessary to provide for clients essential health and safety.  Failure of a caregiver to provide adequate medical care for a potential life threatening condition, illness, or injury.  Failure of caregiver to provide appropriate medication management – including not filling medications, mismanaging medications for non- prescribed issues, selling and/or abusing medications for their client.  Failure of a caregiver to provide for adequate supervision and services of a person who is not decisional and/or requires 24 hour supervision and support. Concerns of confinement and/or isolation from supportive family or services that could provide such supervision.  Failure of a caregiver to provide for client’s basic needs (i.e. access to food, water, clothing, bathroom needs, heath, electricity, a phone, etc.) | Caregiver is providing care for a decisional adult at risk (18-59) that is refusing services or medical care. |

**Financial Abuse Screen In/Out Criteria**

WI Stats 46.90 (1) (ed), “Financial exploitation" means any of the following:

**1.** Obtaining an individual's money or property by deceiving or enticing the individual, or by forcing, compelling, or coercing the individual to give, sell at less than fair market value, or in other ways convey money or property against his or her will without his or her informed consent.

**2.** Theft, as prohibited in s. [943.20](https://docs.legis.wisconsin.gov/document/statutes/943.20).

**3.** The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.

**4.** Unauthorized use of an individual's personal identifying information or documents, as prohibited in s. [943.201](https://docs.legis.wisconsin.gov/document/statutes/943.201).

**5.** Unauthorized use of an entity's identifying information or documents, as prohibited in s. [943.203](https://docs.legis.wisconsin.gov/document/statutes/943.203).

**6.** Forgery, as prohibited in s. [943.38](https://docs.legis.wisconsin.gov/document/statutes/943.38).

**7.** Financial transaction card crimes, as prohibited in s. [943.41](https://docs.legis.wisconsin.gov/document/statutes/943.41).

**Screen In Screen Out**

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| Taking money or other items from the elder or adult at risk’s home or account, without consent | The elder or adult at risk is decisional (competent) and is willingly choosing to give away money or assets |
| Selling or transferring elders or adult at risk’s property against their wishes or best interest | The adult or adult at risk, who is decisional (competent), gifted property or assets to another in the past, when they are believed to have been decisional |
| Using the elder or adult at risk’s credit card for unauthorized purchases | The decisional (competent) elder or adult at risk is voluntarily not paying for their cost share or nursing home liability |
| Using the elder or adult at risk’s name or good credit to open new accounts | The referral is for a person under 60 years of age who does not meet the WI definition of an adult at risk |
| Inappropriately withholding financial information or access to the elder or adult at risk’s account |  |
| Misusing the elder or adult at risk’s POA/Guardianship/Conservatorship/Rep Payee |  |
| Refusing to return borrowed money or property as agreed upon, or when requested |  |
| Changing the elder or adult at risk’s will, trust or inheritance against their wishes |  |
| Scamming or deceiving an elder or adult at risk by coercion or manipulation |  |
| Failure of POA/guardian to pay for services leading to the elder or adult at risk being at risk of eviction or lack of services |  |

Helpful tips when making a referral to APS for financial exploitation:

* Not every POA is written the same, a copy needs to be reviewed to see what power an agent has or does not have. (i.e. gifting, compensation, activation, etc)
* The more details that can be provided the better. Those details include financial institute name, family members names, county the exploitation occurred in, etc.
* MCO’s and nursing homes CAN become a rep payee through Social Security, to ensure that cost shares and liabilities are being paid. This does not require APS intervention.
* As always, a decisional (competent) client has the right to refuse APS intervention or assistance, even if they are being exploited.

**Emotional Abuse Screen In/Out Criteria**

**46.90.1 (cm)** “Emotional abuse" means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed.

An elder-adult-at-risk agency's response to alleged abuse, financial exploitation, neglect, or self-neglect that is not referred to the department shall be commenced within 24 hours after a report is received, excluding Saturdays, Sundays and legal holidays.

**Screen In Screen Out**

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| The subject is being threatened, humiliated, intimidated and/or enduring psychological harm (e.g., the adult is being subjected to: yelling, cursing, and belittling; threatened with abandonment or limiting access to food/medication/social visitation). | Screen out if prior contact(s) has been made and found unsubstantiated with no new allegations presented or reported. |
| Subject is threatened with a weapon by caregiver for any reason. |  |
| Subject’s right to make decisions and privacy are being violated. |  |
| Subject is a frequent witness to domestic violence of caregivers or others in the household. |  |
| Subject is threatened with nursing home placement. |  |
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**Physical Abuse Screen In/Out Criteria**

**Abuse** - per Wis. Stat. §46.90(1) can mean any of the following:

**Physical abuse** - intentional or reckless infliction of physical pain or injury, illness, or any impairment of physical condition.

“**Physical abuse**" means the intentional or reckless infliction of bodily harm. WI [**46.90(1)(fg)**](https://docs.legis.wisconsin.gov/document/statutes/46.90(1)(fg))

**Physical abuse***:* may include slapping, hitting, beating, bruising or causing someone physical pain, injury or suffering. This also could include confining an adult against his/her will, such as locking someone in a room or tying him/her to furniture.

**Screen In Screen Out**

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| Physical assault by a caregiver, relative, friend, etc., of an at risk adult by physical force or violence that results in bodily injury, pain, or impairment. | At risk adult has physical injuries, but there is documentation of how the injury occurred (i.e. car accident, etc.) |
| Restraint or confinement without medical authorization. | Restraint under medical supervision. |
| At risk adult has physical injuries and there is no reasonable explanation of how the injuries occurred; or injuries are inconsistent with the explanation provided. | Superficial injuries that are accidental, caused by the adult at risk and do not require medical treatment (i.e. minor cuts, bruises, or abrasions). |
| Serious inflicted and/or multiple injuries to any area of the body. | Injuries that occurred years ago. |
| Inflicted injury resulting in cuts, bruises or abrasions to areas of the body. |  |
| Bruising or welts on the skin, especially those appearing on the face or lateral and anterior region of the arms (physically abused elders are [much more likely to display bruises](http://www.centeronelderabuse.org/research.asp) than seniors injured by accident) |  |
| Fingerprints or handprints visible on the face, neck, arms or wrists |  |
| Burns from scalding, cigarettes, or in shapes of objects such as an iron |  |
| Cuts, lacerations or puncture wounds |  |
| Sprains, fractures or dislocations |  |