Memorandum of Understanding (MOU) between Adult Protective Services (APS) and

the local Aging Disability Resource Center (ADRC)

**PURPOSE**

The purpose of this MOU is to define the roles and relationships of the county APS agencies and the local ADRC as they work together to assure the care and safety of adults-at-risk who are experiencing self-neglect, are being abused, and/or being neglected.

**DEFINITIONS**

“Adult at risk" means any adult who has a physical or mental condition that substantially impairs his or her ability to care for his or her needs and who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. §55.01(1e) Wis. Stats.

“Elder adult at risk" means any person age 60 or older who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, self-neglect, or financial exploitation. §46.90(1) (br) Wis. Stats.

Abuse and Neglect defined §46.90(1) Wis. Stats.

 “Abuse" means any of the following:

1. “Physical abuse" means the intentional or reckless infliction of bodily harm.
2. “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.
3. “Sexual Abuse” means first, second, third and fourth degree sexual assault as defined in 940.225(1),(2),(3) and (3m)
4. “Treatment without consent" means the administration of medication to an individual who has not provided informed consent, or the performance of psychosurgery, electroconvulsive 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" includes the intentional and unreasonable confinement of an individual in a locked room, involuntary separation of an individual from his or her living area, use on an individual of physical restraining devices, or the provision of unnecessary or excessive medication to an individual, but does not include the use of these methods or devices in entities regulated by the department if the methods or devices are employed in conformance with state and federal standards governing confinement and restraint.

940.225(1)(c)“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.

“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.

“Financial exploitation" means any of the following:

[46.90(1)(ed)1.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%291.) **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.

[46.90(1)(ed)2.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%292.) **2.** Theft, as prohibited in s. [943.20](https://docs.legis.wisconsin.gov/document/statutes/943.20).

[46.90(1)(ed)3.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%293.) **3.** The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.

[46.90(1)(ed)4.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%294.) **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).

[46.90(1)(ed)5.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%295.) **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).

[46.90(1)(ed)6.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%296.) **6.** Forgery, as prohibited in s. [943.38](https://docs.legis.wisconsin.gov/document/statutes/943.38).

[46.90(1)(ed)7.](https://docs.legis.wisconsin.gov/document/statutes/46.90%281%29%28ed%297.) **7.** Financial transaction card crimes, as prohibited in s. [943.41](https://docs.legis.wisconsin.gov/document/statutes/943.41).

**ROLES**

APS\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APS agencies respond to reports of abuse, neglect, and self-neglect involving and Elder/ Adults-At-Risk. The investigation may result in the APS staff making recommendations for services to meet the needs of the Elder/ Adult-At-Risk (E/AAR). This can include petitioning for protective services/ placement or other legal protective actions.

The APS agency responsibilities as it relates to this MOU include:

* Responding to reports and referral of potential abuse, neglect, self-neglect or financial exploitation. Responses are conducted as prescribed by Wis. Stats. §46.90, Chapter 55, Wisconsin Department of Health Services, and local policies and procedures including requirements of the courts.
* Training and updating ADRC staff regarding the recognition of neglect, self-neglect, financial exploitation or abuse; legal requirements, and reporting protocols as well as a general understanding of Chapters 51, 54, and 55 as well as Powers of Attorney.
* Petitioning for emergency protective services/ placement when needed to ensure the immediate protection of an adult-at-risk.
* Investigating reports to determine the need for legal interventions and serve as a court liaison.
* Providing on-going monitoring and annual court reporting (i.e. Watts Reviews) for those under protective placement/ services.
* Providing APS agency contact information for the local ADRC to respond to inquiries regarding APS issues.
* Providing information for the backup process when APS staff is unavailable to receive a report.
* Providing the available and relevant information when making referrals to the ADRC for individuals in need of ADRC services. This information includes:
	+ Demographics
	+ Agency historical information
	+ Known financial information
	+ Known medical information
	+ Formal and informal supports
	+ Recommended services and pending legal interventions
	+ Potential risks to the ADRC staff
* Assisting ADRC staff in gathering information needed to determine functional and financial eligibility for programming and services.
* Understanding ADRC services and when to refer an individual to the ADRC for assistance. Basic ADRC functions include:
	+ Options Counseling
	+ Information and Assistance
	+ Access to Long-Term Care funding including administering the functional screen, assisting with Medical Assistance eligibility and enrollment into IRIS or Managed Care Organizations.
	+ Elderly and Disabled benefits counseling
* Providing direct referral and linkage to services for the E/AAR pending situations of best interests of the E/AAR, timeliness, and other assessed factors.
* Following up with the ADRC detailing the response provided to cases referred by the ADRC.

ADRC\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADRCs are a central source of specialized information, assistance, and access to community resources for older adults and adults with disabilities as well as their family and caregivers. Personalized assistance is available at the ADRC, over the phone, via email, through office visits, and by visits to the individual’s home.

ADRC responsibilities as it relates to this MOU include:

* Reporting in a timely manner to the APS agency reports and/ or suspected incidents of neglect, self-neglect, financial exploitation or abuse of E/AAR. This means referrals should be made the same day or by 10:00 am the following business day.
* Triaging reports of abuse, neglect, or self-neglect of E/AAR
	+ Reports involving imminent risk to life and limb, law enforcement will be contacted
	+ Reports of an urgent nature shall be given directly to a staff person in the APS agency upon completion of gathering the initial information. This can include:
		- Essential services are needed and/ or are imminently ending for the E/AAR
		- Law enforcement or first responder is requesting assistance on the scene.
		- Caregiver crisis
* Providing voluntary services to an E/AAR when situations involve self-neglect without significant danger.
* Providing the available and relevant information to APS agency when making referrals. This information includes:
	+ Demographic information
	+ Previous contacts
	+ Known financial information
	+ Known medical information
	+ Formal and informal supports
	+ Risks to the APS staff
	+ Information on alleged perpetrator if one exists including their schedule
	+ Times that the E/AAR will be home to visit or methods of contacting the E/AAR.
* Providing ADRC services as needed in conjunction with the APS response, evaluation, reporting and service planning activities.
* Providing the entry point for eligibility determination for Long-Term Care funding as well as access to other programs needed by the E/AAR and their support systems.
* Having a general understanding of Ch 51, 54, and 55 as well as Powers of Attorney.
* Understanding the basic functions of APS which include:
	+ Receiving and responding to reports of abuse, neglect and self-neglect of E/AAR. Response may include a visit to the home, interview with the guardian or other agent, a review of healthcare or financial records, transport to a medical facility for examination, petitioning the court for protective placement, services, and/ or guardianship, referral to law enforcement, or referral to state regulatory bodies.
	+ Organizing, planning, and referring for services from existing public and private agencies to E/AAR who voluntarily accept recommended services.
	+ Determining when services or placement can be provided without the consent of the individual under a court order.
	+ Working with law enforcement.
	+ Filing petitions for and establishing protective placement/ services who need them as a result of age/ disability with the least possible restriction on personal liberty and constitutional rights.
	+ Assisting with substitute decision-making including support and direction in creating Powers of Attorney or guardianships.
* Keeping the APS agency informed of result of eligibility and acceptance of service plan by the E/AAR.
* Providing contact information for the ADRC to the APS agency.

Shared Responsibilities\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

APS agencies and ADRCs shall work cooperatively in providing the best options for E/AAR to mitigate risk and improve quality of life. Functions that shall be done cooperatively are:

* Establishing a county/ agency-specific referral process by which the ADRC can refer reports of abuse, neglect, self-neglect and/ exploitation of E/AAR. *(see county/ agency*-*specific MOU addendum)*
* Establishing a county/ agency-specific referral process for the APS agency to refer individuals in need of ADRC services. *(See county/ agency-specific MOU addendum)*
* Providing consultations by ADRC to the APS agency and by APS agency to ADRC to assist E/AARs and their support network.
* Delineating roles and responsibilities in shared cases.
* Communicating expectations of service outcomes including timelines.
* Communicating changes and updates in a timely manner when working with shared cases.
* Providing ongoing training for staff by APS agency for ADRC as well as the ADRC for the APS agency as needed and initial training to new staff

Signatures

***Regional Aging & Disability Resource Center of Southwest Wisconsin***

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Regional Manager Date

 ***County***

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ADRC Manager & Aging Programs Manager Date

***County***

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, ADRC Manager & Aging Programs Manager Date

***County***

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, Director Date

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, ADRC Manager Date

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 ***County Social Services***

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, Director Date