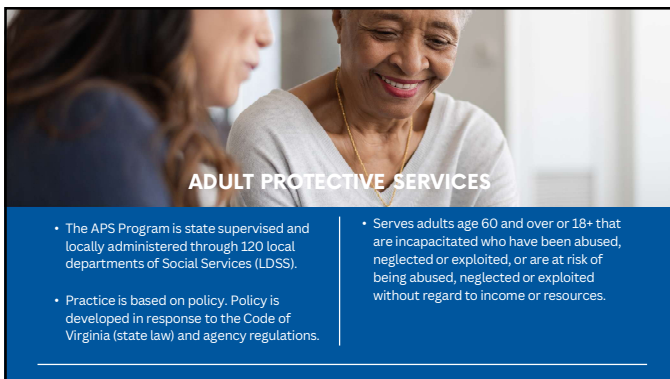




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APS PHILOSOPHY

- Advocate**
for the capable adult
- Determine**
the least restrictive intervention
- Preserve**
the adult's rights to make decisions
- Consider**
legal action only after alternatives explored

4

INCAPACITATED PERSON

- An adult who is impaired by:
 - Mental Illness
 - Intellectual Disability
 - Physical Illness or Disability
 - Advanced Age
 - Other Causes
- to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out reasonable decisions regarding his/her well being

(22 VAC 30 – 100- 10)

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REPORTERS

- Voluntary** – ANYONE who suspects that a vulnerable adult has been or is at risk of being abused, neglected or exploited shall make a report.
- Mandated** – The Code of Virginia requires that certain individuals make a report when they suspect that a vulnerable adult has been or is at risk of being abused, neglected or exploited.
- Must Report Under Certain Conditions** – Financial Institutions – Within 5 business days when refusing to execute a transaction or delaying a transaction related to suspected Financial Exploitation
- Self Reports**
- Immunity** – from Civil and Criminal Liability
- Protecting the Identity of the Reporter** –The report and evidence received by the local department and any written findings, evaluations, records, and recommended actions shall be confidential and shall be exempt from disclosure requirements of the Virginia Freedom of Information Act
- Malicious Reports** - Any person 14 years of age or older who makes or causes to be made a report that he (or she) knows to be false shall be guilty of a class 4 misdemeanor. Any subsequent conviction of this provision shall be a class 2 misdemeanor.

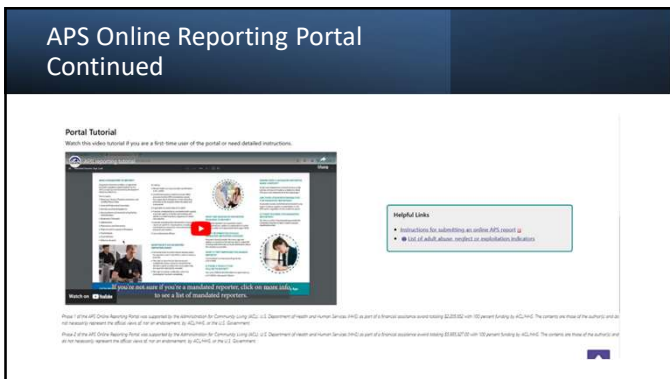
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VALID REPORT CHARACTERISTICS

- The adult is 60+ years old or 18+ years old and meets definition of incapacitated person
- There must be circumstances that describe an allegation of abuse, neglect, or exploitation
- The report must provide enough information to locate the victim
- The agency receiving the report must be the agency of jurisdiction



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Jurisdiction

- **Place of Residence**
 - The adult resides in a nursing facility in County A. The person with power of attorney (POA) resides in County B and financial exploitation by the person with POA is alleged. County A has jurisdiction and County B may be asked to conduct a courtesy interview with the person with POA. For financial exploitation allegations, jurisdiction is where the adult lives. Law enforcement in County A and B shall be notified.
- **Outside of the Place of Residence**
 - If the abuse, neglect, or exploitation occurred in a location other than the county or city where the adult resides, the LDSS in the county or city where the abuse occurred has jurisdiction
- **Where Abuse, Neglect or Exploitation Was Discovered**
 - If the abuse, neglect, or exploitation did not occur in the adult's city or county of residence, or if the adult's residence is not known and the location where the abuse, neglect or exploitation occurred is not known, then the LDSS in the city or county where the abuse, neglect or exploitation was discovered has jurisdiction
- **Nonresident of the Commonwealth**
 - city or county where the abuse, neglect, or exploitation was discovered has jurisdiction
- **When the alleged victim is incarcerated in a State Corrections Facility**
 - Refer to Department of Corrections (DOC)

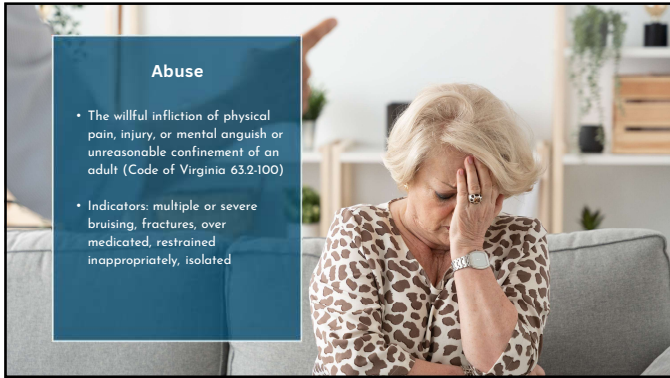
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WHAT TO EXPECT

- Validity is determined of the report.
- If sent for investigation, then the APS Worker will initiate the investigation within 24 hours.
- An unannounced face to face visit is done within the first 7 days of the report, unless it is determined to require a more immediate response.
- The APS Investigator has up to 45 days to complete the investigation,
- The investigator is only able to share minimal information with reporters due to confidentiality.
- The investigator will send a letter to the reporter notifying them of the disposition.



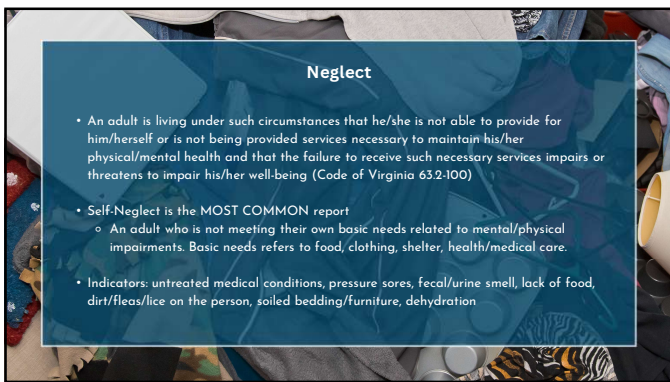
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Abuse

- The willful infliction of physical pain, injury, or mental anguish or unreasonable confinement of an adult (Code of Virginia 63.2-100)
- Indicators: multiple or severe bruising, fractures, over medicated, restrained inappropriately, isolated

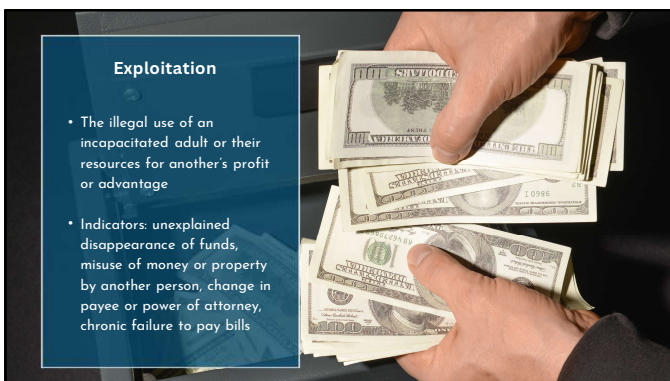
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Neglect

- An adult is living under such circumstances that he/she is not able to provide for him/herself or is not being provided services necessary to maintain his/her physical/mental health and that the failure to receive such necessary services impairs or threatens to impair his/her well-being (Code of Virginia 63.2-100)
- Self-Neglect is the MOST COMMON report
 - An adult who is not meeting their own basic needs related to mental/physical impairments. Basic needs refers to food, clothing, shelter, health/medical care.
- Indicators: untreated medical conditions, pressure sores, fecal/urine smell, lack of food, dirt/fleas/lice on the person, soiled bedding/furniture, dehydration

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Exploitation

- The illegal use of an incapacitated adult or their resources for another's profit or advantage
- Indicators: unexplained disappearance of funds, misuse of money or property by another person, change in payee or power of attorney, chronic failure to pay bills

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TYPES OF EXPLOITATION

- Exploitation by an agent under a power of attorney or person in another type of fiduciary relationship
- Theft of money or property, often by a family member, caregiver or in-home helper
- Investment fraud and scams, including deceptive "free lunch seminars" selling unnecessary or fraudulent financial services or products
- Lottery and sweepstakes scams
- Grandparent/imposter scams
- Tax and debt collection scams
- Scams by telemarketers, mail offers or door-to-door salespersons
- Computer and Internet scams
- Contractor fraud and home improvement scams



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WHAT APS...

CANNOT DO	CAN DO
<ul style="list-style-type: none"> • Force protective services upon an adult who has capacity to refuse services. • Take an endangered adult into custody. • Investigate when the alleged victim is no longer at risk. <p>This may be upsetting and frustrating to the community members and family who frequently want "something to be done" about the situation.</p>	<ul style="list-style-type: none"> • Receive and evaluate report for validity. • Determine if services are needed. • Provide/Refer services if accepted. • Refer client to community resources. • Make a disposition. • Notify the Reporter of Investigation. • Refer case for prosecution. • Obtain emergency medical or protective orders. • Refer to regulatory agencies. • Provide legal intervention

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DISPOSITIONS

Needs Protective Services and Accepts	Needs Protective Services and Refuses	Need for Protective Services No Longer Exists	Unfounded
<p>A review of facts shows a preponderance of evidence that adult abuse, neglect, and/or exploitation has occurred or is occurring or there is a reason to suspect that the adult is at risk of abuse, neglect and/or exploitation and needs protective services in order to reduce the risk.</p>	<p>A review of facts shows a preponderance of evidence that adult abuse, neglect, and/or exploitation has occurred or is occurring, or there is a reason to suspect that the adult is at risk of abuse, neglect and/or exploitation. However, at the time the investigation was completed, the adult refuses to accept services and does not lack capacity to consent to services. The case will be closed.</p>	<p>The subject of the report no longer needs protective services. A review of facts shows a preponderance of evidence that adult abuse, neglect, and/or exploitation has occurred. However, at the time the investigation was initiated, or during the course of the investigation the person who is the subject of the report ceases to be at risk of further abuse, neglect and/or exploitation.</p>	<p>A review of the facts does not show enough evidence to suspect that abuse, neglect, and/or exploitation has occurred or that the adult is at risk of abuse, neglect and/or exploitation.</p> <p>§This disposition can also be used if a worker is unable to make contact with the subject of the investigation or if there is another reason that the investigation is unable to be completed.</p>

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RIGHTS OF ADULTS



- Adults with capacity have the right to refuse services even if everyone involved in the case believes that assistance is needed.
- The adult is in charge of decision-making until he or she delegates that responsibility voluntarily to another or the court grants that responsibility to another person.
- Adults have the right:
 - To be treated with dignity and respect
 - To refuse treatment and assistance
 - To make their own choices about how and where they will live (self-determination)
 - To privacy

Remember: ADULTS HAVE THE RIGHT TO MAKE BAD DECISIONS!

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**APS to Report to Local Law Enforcement
§ 63.2-1605 of the Code of Virginia**

- The local department shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged abuse, neglect, or exploitation took place or, if these places are unknown, where the alleged abuse, neglect, or exploitation was discovered for investigation, upon receipt of an initial report pursuant to § 63.2-1605 involving any of the following or upon determining, during the course of an investigation pursuant to this article, the occurrence of any of the following:
 - Sexual abuse as defined in § 18.2-67.10;
 - Death that is believed to be the result of abuse or neglect;
 - Serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect;
 - Suspected financial exploitation of an adult; or
 - Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm. Local law-enforcement agencies shall provide local departments and the adult protective services hotline with a preferred point of contact for referrals.
- <https://law.lis.virginia.gov/vacode/title63.2/chapter16/section63.2-1605/>

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**HB 692 &
SB 174
GA Session
2024**

- Enables older and other vulnerable adults to provide financial institutions with a list of "trusted persons" whom the financial institution staff may contact if there is a suspicion that the adult is a victim or target of financial exploitation. Financial institutions, under certain circumstances, may also contact others associated with the adult, such as a family member, if there is a suspicion the adult is a victim of financial exploitation. The legislation also establishes processes for financial institutions to train their staff on identifying and reporting suspicions of financial exploitation to legal authorities as well as to the APS hotline or the appropriate LDSS. The State Corporation Commission is required to develop guidelines for financial institution trainings by January 1, 2026.
- <https://lis.virginia.gov/cgi-bin/legp604.exe?241+ful+CHAP0530+pdf>

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63.2-1606 of the Code of Virginia

- Any financial institution staff who suspects that an adult has been exploited financially may report such suspected financial exploitation and provide supporting information and records to the local department of the county or city wherein the adult resides or wherein the exploitation is believed to have occurred or to the adult protective services hotline.
- Financial institutions refusing to execute a transaction, delaying a transaction, or refusing to disburse funds, shall report such refusal or delay within five business days to the LDSS or the APS Hotline. Absent gross negligence or willful misconduct, the financial institution and its staff shall be immune from civil or criminal liability for providing information or records to APS or refusing to execute a transaction, delaying a transaction, or refusing to disburse funds pursuant to this subsection. The authority of a financial institution staff to refuse to execute a transaction, to delay a transaction, or to refuse to disburse funds pursuant to this subsection shall not be contingent upon whether financial institution staff has reported suspected financial exploitation of the adult to the LDSS or the APS hotline.

<https://law.lis.virginia.gov/vacode/title63.2/chapter16/section63.2-1606/>

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§ 6.2-103.1. Financial institutions to furnish certain information as part of adult protective services investigation.

- Notwithstanding any other provision of law, any financial institution subject to the provisions of this title shall cooperate in any investigation of alleged adult abuse, neglect, or exploitation conducted by a local department of social services pursuant to Chapter 16 (§ 63.2-1600 et seq.) of Title 63.2 and shall make any financial records or information relevant to such investigation available to the local department and to any court-appointed guardian ad litem for the adult who is the subject of such adult protective services investigation upon request to the extent allowed under the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) and 12 U.S.C. § 3403. Absent gross negligence or willful misconduct, any financial institution and its staff shall be immune from civil or criminal liability for providing information or records to the local department of social services or to a court-appointed guardian ad litem pursuant to this section.

<https://law.lis.virginia.gov/vacode/title6.2/chapter1/section6.2-103.1/>

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Substantiated Types of Mistreatment	#	%
Self-Neglect	8,780	58%
Financial Exploitation	2,781	18%
Neglect	1,744	12%
Physical Abuse	783	5%
Mental Abuse	629	4%
Other Exploitation	256	2%
Sexual Abuse	76	<1%
TOTAL	15,049	100%

SUBSTANTIATED REPORTS FOR SFY2025

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SFY2025	
Type of Abuse = Financial Exploitation	2781
Type of Financial Exploitation = Theft	544
Type of Financial Exploitation = Fraud	447
Type of Financial Exploitation = Forgery	97
Type of Financial Exploitation = Unauthorized Credit Card Use	411
Type of Financial Exploitation = Scam	1,588
Total Known or Estimated Amount of Money Loss	\$141,230,743
Total Known or Estimated Amount Recovered	\$13,618,374

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Statistics

- Approximately 1 in 10 Americans 60 and older have experienced some form of elder abuse.
- Some estimates range as high as five million elders who are abused each year.
- One study estimated that 1 in 24 cases of abuse are reported to authorities.

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ANY QUESTIONS?

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