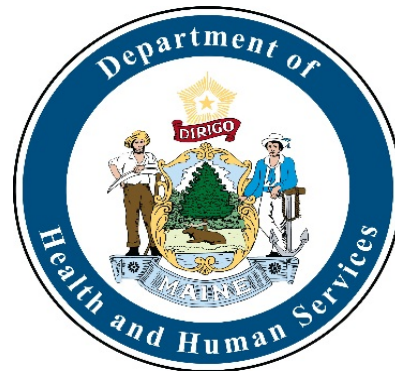


# Adult Protective Services Overview

**Erin Salvo, JD**

**Associate Director**

Adult Protective Services



# APS Authority

## Adult Protective Services Act

“The Department shall act to protect incapacitated and dependent adults from abuse, neglect, and exploitation and protect incapacitated and dependent adults in circumstances that present a substantial risk of abuse, neglect, or exploitation.”

(22 M.R.S. ch. 958-A, §§ 3470 – 3493)

# APS Duties

- **Receive, investigate, determine validity of reports**
- **Take appropriate action (services and referrals)**
- **Petition for guardianship or a protective order, as appropriate**

(22 M.R.S. § 3473)

# DEFINITIONS

- Incapacitated Adult
  - Dependent Adult
- 

- Abuse
- Neglect
- Exploitation

# APS Process

- Central Intake **1-800-624-8404**
  - If you are not a mandated reporter, you can fill out this online form:  
<https://www.maine.gov/dhhs/oads/aps-guardianship/report.html>
  - Screening
- Assignment
- Investigation
  - Safety, Services, Sustainability (planning)
  - Guardianship Study
- Collaboration
  - Law Enforcement, Licensing
- Written Findings/Substantiation (Developmental Services)



# A few more notes on investigations:

## Note:

- Individuals with capacity have the right to live in circumstances of risk/danger.
- All APS reports are shared with District Attorneys



# Substantiation Process

## **Level I**

- Intentionally, knowingly, recklessly causing physical harm or pain or mental anguish
- Intentionally, knowingly, recklessly causing a threat to the health or welfare of a client
- Abuse or neglect that results in serious harm
- Exploitation
- Sexual abuse or sexual exploitation

## **Level II**

- Actions meet the definition of abuse, neglect, or exploitation but do not rise to the level of one of the Level I categories

# Substantiation Process continued

## **Level I**

- Perpetrator is listed on the APS Substantiation Database after receiving notice and option to appeal

## **Level II**

- Perpetrator is not listed on the APS Substantiation Database
  - Two Level II substantiations within 9 months can result in a Level I
- 

## **Note:**

APS will notify a perpetrator's current employer of a Level I before the appeal process



# Public Guardianship & Conservatorship

- Petitioning Probate Court
  - Last resort?
  - Emergency?
  - Limits?
- Guardianship/Conservatorship Duties
  - Ensure appropriate care and support. Monitor quality of services.
  - Administer assets
  - Act on behalf of the adult. Make decisions that support the person's self-determination

# Questions

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