Arkansas Code Annotated

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Abuse of Adults
Chapter 28
Abuse of Adults

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ARKANSAS ADULT ABUSE ACT
Subchapter 1 - General Provisions


As used in this chapter, unless the context otherwise requires:

(1) "Abuse" means:

(A) Any intentional and unnecessary physical act which inflicts pain on or causes injury to an endangered or impaired adult, including sexual abuse;

(B) Any intentional or demeaning act which subjects an endangered or impaired adult to ridicule or psychological injury in a manner likely to provoke fear or alarm; or

(C) With regard to any adult resident of a long-term care facility by a caregiver, any willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish;

(2) "Adult maltreatment" means adult abuse, exploitation, neglect, physical abuse, or sexual abuse;

(3) "Caregiver" means a related or unrelated person, owner, agent, high managerial agent of a public or private organization, or a public or private organization that has the responsibility for the protection, care, or custody of an endangered or impaired adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court;

(4)(A) "Department" means the Department of Human Services.

(B) The Director of the Department of Human Services may assign responsibilities for administering the various duties imposed upon the department under this chapter to respective divisions of the department which in his or her opinion are best able to render service or administer the provisions of this chapter;

(5) "Endangered adult" means:

(A) An adult eighteen (18) years of age or older who is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm to that person and who demonstrates a lack of capacity to comprehend the nature and consequences of remaining in that situation or condition; or

(B) A resident eighteen (18) years of age or older of a long-term care facility, certified pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., who is found to be in a situation or condition which poses an imminent risk of death or serious
bodily harm to the person and who demonstrates the lack of capacity to comprehend the nature and consequences of remaining in that situation or condition;

(6) "Exploitation" means:

(A) The illegal use or management of an endangered or impaired adult's funds, assets, or property or the use of an endangered or impaired adult's person, power of attorney, or guardianship for the profit or advantage of himself, herself, or another; or

(B) Misappropriation of property of an adult resident of a long-term care facility, which means the deliberate misplacement, exploitation, or wrongful, temporary, or permanent use of a resident's belongings or money without the resident's consent;

(7)(A) "Imminent danger to health or safety" means a situation in which death or severe bodily injury could reasonably be expected to occur without intervention.

(B) The burden of proof shall be upon the department to show by clear and convincing evidence that such imminent danger exists;

(8)(A) "Impaired adult" means a person eighteen (18) years of age or older who, as a result of mental or physical impairment, is unable to protect himself or herself from abuse, sexual abuse, neglect, or exploitation, and as a consequence thereof is endangered.

(B) For purposes of this chapter, adult residents of a long-term care facility are presumed to be impaired adults;

(9) "Long-term care facility" means:

(A) A nursing home;

(B) A residential care facility;

(C) A post-acute head injury retraining and residential facility; or

(D) Any facility which provides long-term medical or personal care;

(10) "Neglect" means acts or omissions by an endangered adult; for example, self-neglect or intentional acts or omissions by a caregiver responsible for the care and supervision of an endangered or impaired adult constituting:

(A) Negligently failing to provide necessary treatment, rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered or impaired adult;
(B) Negligently failing to report health problems or changes in health problems or changes in the health condition of an endangered or impaired adult to the appropriate medical personnel; or

(C) Negligently failing to carry out a prescribed treatment plan;

(D) Failing to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness as defined in regulations promulgated by the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services to an adult resident of a long-term care facility;

(11)(A) "Physical injury" means the impairment of a physical condition or the infliction of substantial pain.

(B) Where the person is an endangered or impaired adult, there shall be a presumption that any physical abuse resulted in the infliction of substantial pain;

(12)(A) "Protective services" means services to protect the endangered or impaired adult from:

(i) Self-neglect or self-abuse; and

(ii) Abuse or neglect by others.

(B) Protective services shall include, but not be limited to:

(i) Evaluation of the need for services;

(ii) Arrangements for appropriate services;

(iii) Assistance in obtaining financial benefits to which the person is entitled; or

(iv) Securing medical and legal services.

(C)(i) Protective services may include:

(a) Referrals for services available in the community;

(b) Seeking protective custody or court-ordered services for endangered adults; or

(c) In appropriate cases, assistance in locating an appropriate person or entity interested in and able to assume guardianship over an endangered adult.

(ii) In situations involving exploitation of an endangered or impaired adult not resulting in any imminent danger to health or safety or involving protection of the property of such an impaired adult, protective services may include one (1) or more of the following:
(a) Referrals for legal assistance;
(b) Referrals, as appropriate, to law enforcement or prosecutors; or
(c) Assistance in locating an appropriate person or entity interested in and able to assume guardianship;

(13) "Serious bodily harm" means physical abuse, sexual abuse, physical injury, or serious physical injury as defined in this chapter;

(14) "Serious physical injury" means physical injury to an endangered or impaired adult that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ;

(15) "Sexual abuse" means deviate sexual activity, sexual contact, or sexual intercourse, as those terms are defined in § 5-14-101, with another person who is not the actor's spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless, as those terms are defined in § 5-14-101; and

(16) "Subject of the report" means the endangered or impaired adult, the adult's guardian, and the offender.


5-28-102. Legislative intent.

The General Assembly recognizes that the state must provide for the detection, correction, and prosecution of the maltreatment of adults.


5-28-103. Criminal penalties for adult abuse.

(a) It shall be unlawful for any person or caregiver to abuse, neglect, or exploit any person subject to protection under the provisions of this chapter.

(b)(1) Any person or caregiver who purposely abuses an endangered or impaired adult in violation of the provisions of this chapter, if the abuse causes serious physical injury or substantial risk of death, shall be guilty of a Class B felony and shall be punished as provided by law.
(2) Any person or caregiver who purposely abuses an endangered or impaired adult in violation of the provisions of this chapter, if such abuse causes physical injury, shall be guilty of a Class D felony and shall be punished as provided by law.

(c)(1) Any person or caregiver who neglects an endangered or impaired adult in violation of the provisions of this chapter, causing serious physical injury or substantial risk of death, shall be guilty of a Class D felony and shall be punished as provided by law.

(2) Any person or caregiver who neglects an endangered or impaired adult in violation of the provisions of this chapter, causing physical injury, shall be guilty of a Class B misdemeanor and shall be punished as provided by law.

(d) Any person or caregiver who abuses an endangered or impaired adult shall be guilty of a Class B misdemeanor and shall be punished as provided by law.

(e)(1) Any person or caregiver who exploits a person in violation of the provisions of this chapter shall be guilty of a Class B felony and shall be punished as provided by law, where the value of the property, assets, or resources is two thousand five hundred dollars ($2,500) or more.

(2) Any person or caregiver who exploits a person in violation of the provisions of this chapter shall be guilty of a Class C felony and shall be punished as provided by law, where the value of the property, assets, or resources is less than two thousand five hundred dollars ($2,500), but more than two hundred dollars ($200).

(3) Any person or caregiver who exploits a person in violation of the provisions of this chapter shall be guilty of a Class A misdemeanor and shall be punished as provided by law, where the value of the property, assets, or resources is two hundred dollars ($200) or less.


5-28-104. Privilege not grounds for exclusion of evidence.

Any privilege between husband and wife or between any professional person, except lawyer and client, including, but not limited to, physicians, members of the clergy, counselors, hospitals, clinics, rest homes, nursing homes, and their clients, shall not constitute grounds for excluding evidence at any proceedings regarding adult abuse, sexual abuse, or neglect of an endangered or impaired adult, or the cause thereof.


5-28-105. Spiritual treatment alone not abusive.
Nothing in this chapter shall be construed to imply that a reported endangered or impaired adult, who is being furnished with treatment by spiritual means alone through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof, is for this reason alone an endangered, abused, neglected, maltreated, or exploited person.


**5-28-106. Civil penalties.**

(a)(1) The State of Arkansas and the Attorney General may institute a civil action against any long-term care facility caregiver necessary to enforce any provision of this chapter.

(2) Notwithstanding any criminal penalties assessed under this chapter, any caregiver against whom any civil judgment is entered as the result of a civil action brought by the State of Arkansas through the Attorney General on a complaint alleging that caregiver to have abused, neglected, or exploited an endangered or impaired adult in a long-term care facility certified under Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq., shall be subject to pay a civil penalty:

(A) Not to exceed ten thousand dollars ($10,000) for each violation judicially found to have occurred; or

(B) Not to exceed fifty thousand dollars ($50,000) for the death of an adult in a long-term care facility which results from a single violation.

(3)(A) The State of Arkansas and the Attorney General shall not be precluded from recovering civil penalties under subdivision (a)(2)(A) of this section for the death of an adult which results from multiple violations.

(B) However, the State of Arkansas and the Attorney General shall be prohibited from recovering civil penalties under both subdivisions (a)(2)(A) and (B) of this section.

(b) In any action brought pursuant to this section, the State of Arkansas shall be required to prove all essential elements of the cause of action, including damages, by a preponderance of the evidence.

(c) Any penalty shall be paid into the State Treasury and credited to the Arkansas Medicaid Program Trust Fund.

(d) Any caregiver against whom any civil judgment is entered as the result of a civil action brought or threatened to be brought under this section by the State of Arkansas through the Attorney General shall be required to pay to the Attorney General all reasonable expenses which the court determines have been necessarily incurred in the enforcement of this chapter.
(e) A civil action under this section may not be brought more than three (3) years after the date on which the violation of this subchapter is committed.


(a) The office of the Attorney General shall have concurrent jurisdiction to investigate cases of suspected adult maltreatment of an endangered or impaired adult in a long-term care facility certified pursuant to Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.

(b) If requested by the office of the Attorney General, law enforcement agencies shall assist in the investigation of any case of suspected adult maltreatment.

(c) The purposes of an investigation are to obtain and develop information that may be necessary to:

1. Protect abused, neglected, or exploited adults;

2. Refer for criminal prosecution those persons who abuse, neglect, or exploit any endangered or impaired adult; and

3. Initiate civil action, where appropriate, to protect abused, neglected, and exploited adults.

(d) The Attorney General shall conduct a thorough investigation which may include a medical, psychological, social, vocational, financial, and educational evaluation and review.

(e)(1) Upon request, the medical, mental health, or other records regarding the abused, neglected, or exploited adult maintained by any facility or maintained by any person required by this chapter to report suspected abuse, neglect, or exploitation shall be made available to the Attorney General for the purposes of conducting an investigation under this chapter.

(2) Upon request, financial records maintained by a bank or a similar institution shall be made available to the Attorney General for the purpose of conducting an investigation under this chapter.

(f)(1) A subpoena requiring the production of documents or the attendance of a witness at an interview, trial, or hearing conducted pursuant to the jurisdiction of the Medicaid Fraud Control Unit of the office of the Attorney General may be served by the Attorney
General or any duly authorized law enforcement officer in the State of Arkansas personally, telephonically, or by registered or certified mail.

(2) In the case of service by registered or certified mail, the return post office receipt of delivery of such subpoena shall accompany the return.

(g)(1) If a facility or person upon whom a subpoena is served objects or otherwise fails to comply with the Attorney General's request for records, the Attorney General may file an action in circuit court for an order to enforce the request.

(2) Venue for the action to enforce the request shall be in Pulaski County.

(h) The circuit court, upon cause shown, shall order the facility or person who maintains the medical, mental health, or other records regarding the abused, neglected, or exploited adult to tender the requested records to the Attorney General for the purpose of conducting an investigation under this chapter.

(i)(1) Records obtained by the Attorney General pursuant to this subchapter shall be classified as confidential information and shall not be subject to outside review or release by any individual except when records are used or are potentially to be used by any governmental entity in any legal, administrative, or judicial proceeding.

(2) Notwithstanding any other law to the contrary, no person shall be subject to any civil or criminal liability for providing records or providing access to records to the Attorney General or to a prosecuting attorney.


5-28-108. Special deputy prosecutor.

(a) An attorney employed in the office of the Attorney General may be designated a special deputy prosecutor, by the prosecuting attorney having criminal jurisdiction in the matter, for the purposes of prosecuting in a court of competent jurisdiction actions brought under this chapter or other actions for the physical or mental abuse or exploitation of residents of long-term care facilities.

(b)(1) As a special deputy prosecutor, such attorney shall have the power to issue subpoenas and to administer oaths as provided in § 25-16-705.

(2) The subpoena shall be substantially in the form set forth in § 25-16-705(b).

(c) A special deputy prosecutor appointed and functioning as authorized under this section shall be entitled to the same immunity granted by law to the prosecuting attorney.
(d)(1) Appointment as a special deputy prosecutor shall not enable such attorney to receive any additional fees or salary from the state for services provided pursuant to the appointment.

(2) Expenses of the special prosecutor and any fees and costs incurred thereby in the prosecution of cases as herein provided shall be the responsibility of the Attorney General.

(e) The prosecuting attorney may revoke the appointment of a special prosecutor at any time.


(a) The primary purposes of an investigation are to:

(1) Protect maltreated adults; and

(2) Refer for prosecution those persons maltreating any endangered or impaired adult.

(b) The Attorney General shall conduct a thorough investigation that may include a medical, psychological, social, vocational, financial, and educational evaluation and review.

(c)(1) Upon request, the medical, mental health, or other records regarding the maltreated adult maintained by any facility or maintained by any person required by this chapter to report suspected maltreatment shall be made available to the Attorney General for the purposes of conducting an investigation under this chapter.

(2) Upon request, financial records regarding the subject of the investigation maintained by a bank or similar institution shall be made available to the Attorney General for the purpose of conducting an investigation under this chapter.

(d)(1) A subpoena requiring the production of documents or the attendance of a witness at an interview, trial, or hearing conducted pursuant to the jurisdiction of the Medicaid Fraud Control Unit within the office of the Attorney General may be served by the Attorney General or any law enforcement officer in the State of Arkansas personally, by telephone, or by registered or certified mail.

(2) If service is by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the demand.
(e)(1) If a facility or person objects to or otherwise fails to comply with the Attorney General's request for records, the Attorney General may file an action in circuit court for an order to enforce the request.

(2) Venue for the action to enforce the request shall be in Pulaski County.

(f) The circuit court, upon good cause shown, shall order the facility or person who maintains medical, mental health, or other records regarding the maltreated adult to tender records to the Attorney General for the purpose of conducting an investigation under this chapter.

(g)(1) Records obtained by the Attorney General under this subchapter shall be classified as confidential information and shall not be subject to outside review or release by an individual unless the records are used or are potentially to be used by any governmental entity in any legal, administrative, or judicial proceeding.

(2) Notwithstanding any other law to the contrary, no person shall be subject to any civil or criminal liability for providing access to records to the Attorney General or to the prosecuting attorneys.


Subchapter 2 - Reporting
5-28-201. Adult maltreatment central registry.

(a)(1) Pursuant to this chapter, there shall be established within the Department of Human Services a statewide central registry for adult maltreatment.

(2) The adult maltreatment central registry shall contain investigative determinations made by the department on all founded allegations of adult maltreatment.

(3) The offender's name shall be placed in the central registry if:

(A) After notice, the offender does not timely appeal for an administrative hearing; or

(B) Upon completion of the administrative hearing process, the department's investigative determination of founded is upheld.

(4) The offender's name shall remain in the central registry unless:

(A) Removed pursuant to another statute;

(B) Removed pursuant to regulation; or

(C) The offender prevails upon appeal.
(b) The central registry may adopt such rules and regulations which may be necessary to encourage cooperation with other states in exchanging reports to effect a national registry system of adult maltreatment.


(a) Any person or caregiver required by this chapter to report a case of suspected adult maltreatment who purposely fails to do so shall be guilty of a Class B misdemeanor and shall be punished as provided by law.

(b) Any person or caregiver required by this chapter to report a case of suspected adult maltreatment who purposely fails to do so shall be civilly liable for damages proximately caused by the failure.

(c) Any person, official, or institution willfully making false notification under this subchapter knowing the allegations to be false shall be guilty of a Class A misdemeanor.

(d) Any person, official, or institution willfully making false notification under this subchapter knowing the allegations to be false and who has been previously convicted of making false allegations shall be guilty of a Class D felony.

(e) Any person who willfully permits and any other person who encourages the release of data or information contained in the adult maltreatment central registry to persons to whom disclosure is not permitted under this subchapter shall be guilty of a Class A misdemeanor.


5-28-203. Persons required to report adult maltreatment.

(a)(1) Whenever any of the following has observed or has reasonable cause to suspect that an endangered or impaired adult has been subjected to conditions or circumstances which would reasonably result in adult maltreatment, as defined in this chapter, he or she shall immediately report or cause a report to be made in accordance with the provisions of this section:

(A) A physician;

(B) A surgeon;

(C) A coroner;

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(D) A dentist;

(E) An osteopath;

(F) A resident intern;

(G) A nurse;

(H) Hospital personnel who are engaged in the administration, examination, care, or treatment of persons;

(I) Any social worker;

(J) A case manager;

(K) A case worker;

(L) A mental health professional;

(M) A peace officer;

(N) A law enforcement officer;

(O) A facility administrator;

(P) An employee in a facility;

(Q) An employee of the Department of Human Services;

(R) A firefighter;

(S) An emergency medical technician; or

(T) An employee of a bank or other financial institution.

(2) Whenever a person is required to report under this chapter in his or her capacity as a member of the staff, an employee in a facility, or an employee of the department, he or she shall immediately notify the person in charge of the institution, facility, or agency, or that person's designated agent, who shall then become responsible for making a report or cause a report to be made.

(3) In addition to those persons and officials required to report suspected maltreatment, any other person may make a report if the person has reasonable cause to suspect that an adult has been maltreated, as defined in this chapter.
(b)(1) A report for maltreated adults residing in a long-term care facility shall be made:

(A) Immediately to the local law enforcement agency for the jurisdiction in which the facility is located; and

(B) To the Office of Long-Term Care of the Division of Medical Services of the Department of Human Services, pursuant to regulations of that office.

(2) Reports of maltreated adults who do not reside in a long-term care facility shall be made to the adult maltreatment hotline.

(c) No privilege or contract shall relieve anyone required by this subchapter to make notification of the requirement of making notification.


(a)(1) Any person or official who is required to report cases of suspected maltreatment of adults under the provisions of this chapter and who has reasonable cause to suspect that an adult has died as a result of maltreatment shall report that fact to the appropriate medical examiner or coroner.

(2)(A) In all cases of the death of a long-term care facility resident or a hospice facility resident, the long-term care facility or the hospice facility shall immediately report the death to the appropriate coroner.

(B) The report is required regardless of whether the facility believes the death to be from natural causes or the result of maltreatment or any other cause.

(3)(A) In all cases of the death of an individual in a hospital who was a resident of a long-term care facility within five (5) days of entering the hospital, the hospital shall immediately report the death to the appropriate coroner.

(B) The report is required regardless of whether the hospital believes the death to be from natural causes or the result of maltreatment or any other cause.

(b)(1) The medical examiner or coroner shall accept the report for investigation and, upon finding reasonable cause to suspect that an adult has died as a result of maltreatment, shall report the findings to the police and the appropriate prosecuting attorney.
(2) If the institution making the report is a hospital or nursing home, the coroner shall report the findings to the hospital or nursing home unless the findings are part of a pending or ongoing law enforcement investigation.

(c) The medical examiner, coroner, or hospital shall also report the findings to the Department of Human Services when:

(1) Reasonable cause exists to believe the death resulted from maltreatment of an adult; or

(2) There is a pending investigation concerning allegations of maltreatment occurring prior to death, upon request of the department.


5-28-205. Photographs and X rays.

(a) Any person who is required to report cases of adult abuse, sexual abuse, or negligence may take or cause to be taken, at public expense, color photographs of the area of trauma visible on the adult and, if medically indicated, cause to be performed radiological examination of the adult.

(b) Whenever a person is required to report under this chapter in his capacity as a member of the staff of any private or public institution or agency, he shall immediately notify the person in charge of the institution or agency or his designated delegate, who shall then take or cause to be taken, at public expense, color photographs of physical trauma and shall, if medically indicated, cause to be performed radiological examination of the adult.

(c) Any photographs or X rays taken shall be sent to the department as soon as possible.


5-28-206 - 5-28-209. [Repealed.]


(a) The Department of Human Services shall conduct a thorough investigation of all suspected adult maltreatment in accordance with § 5-28-218.

(b) The primary purposes of the investigation are to protect the maltreated adult and to refer for prosecution those persons who maltreat any endangered or impaired adult.

(c)(1) The investigation shall be completed and an investigative determination entered within sixty (60) days.
(2) The investigation and written investigative report shall include:

(A) The nature, extent, and cause of the maltreatment of the adult;

(B) The identity of the person responsible;

(C) The names and conditions of other adults in the home, if the incident occurred in the home;

(D) The evaluation of the persons responsible for the care of the maltreated adult, if any;

(E) The home environment and relationship of the maltreated adult to the next of kin or other person responsible for his or her care, and all other pertinent data; and

(F)(i) A visit to the maltreated adult's home, if the incident occurred in the home, and an interview with the maltreated adult.

(ii) The investigators shall interview the maltreated adult alone and out of the hearing of any next of kin or other persons responsible for his or her care.

(iii) An interpreter may be present during the interview of the maltreated adult, if necessary.


5-28-211, 5-28-212. [Repealed.]

5-28-213. Availability of founded reports of adult maltreatment.

(a) Reports made pursuant to this chapter which are determined to be founded, as well as any other information obtained, and reports written or photographs taken concerning founded reports in the possession of the Department of Human Services shall be confidential and shall be made available only to:

(1) A physician who has before him or her an endangered or impaired adult whom he or she reasonably believes may have been maltreated;

(2) A person authorized to place the adult in protective custody when such a person has before him or her an adult whom he or she reasonably believes may have been maltreated, and the person requires the information to determine whether to place the adult in protective custody;
(3) An authorized agency having responsibility for the care or supervision of an endangered or impaired adult;

(4) Any person who is the subject of a report;

(5) A grand jury or court, where it determines that such information is necessary for the determination of an issue before the grand jury or court;

(6)(A) A prosecuting attorney, law enforcement official, or coroner; or

(B) The Attorney General or his or her designated investigator;

(7)(A) A mandated reporter who has made a report of suspected maltreatment, only to the extent that he or she may be informed after completion and closure of the investigation whether legal action was taken, services were provided, or no action was taken.

(B) No further information shall be released and the person shall be informed of the confidentiality of the information and the penalties for disclosure;

(8)(A) Employers or volunteer agencies for purposes of screening employees, applicants, or volunteers upon submission of a signed, notarized release from the employee, applicant, or volunteer.

(B) The only information released to the employer or agency will be whether or not the registry contains any founded reports naming the employee, applicant, or volunteer as an offender;

(9) The Department of Human Services Death Review Committee;

(10) The current administrator of the facility, if the incident occurred in a long-term care facility; and

(11) The administrator of the facility that currently employs the offender, if different from the facility in which the incident occurred.

(b)(1) Under no circumstances shall the information contained in the statewide adult maltreatment central registry be released unless the person's or official's capacity is confirmed by the department.

(2) No person or agency, except the subject of the report, to whom disclosure is made may disclose to any other person reports or other information obtained under this section.
(c)(1) The department shall not release data that would identify the person who made the report except to law enforcement, the prosecuting attorney, or the office of the Attorney General.

(2) A court of competent jurisdiction may order release of data that would identify the person who made the report after the court has reviewed, in camera, the record related to the report and has found that disclosure is needed to prevent execution of a crime or for prosecution of a crime.

(d) However, information contained in the registry for maltreated adults may be made available to bona fide and approved research groups solely for the purpose of scientific research, but in no event shall the names of individuals be released, nor shall specific circumstances or facts related to a specific individual be utilized in any research report which might be identifiable with such individual.

(e) Any person who willfully permits and any other person who encourages the release of data or information contained in the central registry to persons not permitted by this chapter shall be guilty of a Class A misdemeanor.


(a) A written report from persons or officials required by this chapter to report shall be admissible in evidence in any proceeding relating to adult abuse, sexual abuse, neglect, or exploitation.

(b) The affidavit of a physician, psychiatrist, psychologist, or licensed certified social worker shall also be admissible in evidence in any proceeding relating to adult abuse, sexual abuse, neglect, or exploitation.


5-28-215. Immunity for investigation participants.

(a) Any person, official, or institution participating in good faith in the making of a report, the taking of photographs, or the removal of an abused adult pursuant to this chapter shall have immunity from liability and suit for damages, civil or criminal, that otherwise might result by reason of such actions.

(b) The good faith of any person required to report cases of adult abuse, sexual abuse, or neglect shall be presumed.

5-28-216. Penalties.

(a)(1) Any person, official, or institution negligently or willfully failing to make notification when required by this subchapter shall be guilty of a Class C misdemeanor.

(2) Any person, official, or institution willfully making false notification pursuant to this subchapter, knowing such allegations to be false, shall be guilty of a Class A misdemeanor.

(3) Any person, official, or institution willfully making false notification pursuant to this subchapter, knowing such allegations to be false, and who has been previously convicted of making willful false allegations, shall be guilty of a Class D felony.

(b) Any person who willfully permits, and any other person who encourages, the release of data or information contained in the central registry to persons to whom disclosure is not permitted by this subchapter shall be guilty of a Class A misdemeanor.


5-28-217. Adult maltreatment hotline.

(a) The Department of Human Services shall maintain a single statewide telephone number that all persons, whether mandated by law or not, may use to report cases of suspected adult maltreatment.

(b) The hotline, if possible, shall obtain the following information from the person making the report:

(1) The names, phone numbers, and addresses of the next of kin or persons responsible for care of the endangered or impaired adult, if known;

(2) The victim's name, address, phone number, age, sex, and race;

(3) The nature and extent of maltreatment, including any evidence of previous maltreatment to the person;

(4) The names and addresses of the persons suspected to be responsible for the maltreatment, if known;

(5) Family composition;

(6) The source of the report;
(7) The person making the report;

(8) Whether or not any photographs, videos, or X rays exist that are probative as to the existence of maltreatment, including the location of the item;

(9) The identity of any individual who witnessed or may have witnessed the event being reported and the identity of any individuals who know or may know any facts concerning the event being reported; and

(10) Other information that the person making the report believes may be helpful in the furtherance of the purposes of this chapter.

(c) When appropriate, a copy of the initial report shall immediately be made available to the appropriate law enforcement agency for its consideration.

(d)(1)(A) The department shall not release data that would identify the person who made the report unless a court of competent jurisdiction orders release of the information after the court has reviewed, in camera, the record related to the report and has found that disclosure is needed to prevent execution of a crime or disclosure is necessary for prosecution of a crime;

(B) However, any person to whom the name of the reporter is disclosed is prohibited from redisclosing this information, except as outlined in subdivision (d)(2) of this section.

(2)(A) The information shall be disclosed to the Attorney General, the prosecuting attorney, or law enforcement officers upon request;

(B) However, the information remains confidential until criminal charges are filed.

(e) An allegation of suspected adult maltreatment shall be accepted if the allegations, if true, would constitute adult maltreatment and as long as sufficient identifying information is provided to identify and locate the victim.

(f)(1) The hotline shall accept a report if the victim or offender is present in Arkansas or if the incident occurred in Arkansas.

(2) If the incident occurred in another state, the hotline shall screen out the report and transfer the report to the hotline of the state in which the incident occurred.

(3) Upon request from adult maltreatment investigators in other states, the department shall complete courtesy interviews with the victim, offender, or witnesses of adult maltreatment who reside in Arkansas.
(g) Upon registration of a hotline report of suspected adult maltreatment, the hotline shall refer the matter immediately to the appropriate investigating agency as outlined in §§ 5-28-107 and 5-28-218.


The Department of Human Services shall have jurisdiction to investigate all cases of suspected maltreatment of an endangered or impaired adult, as follows:

(1) The Adult Protective Services Unit of the Department of Human Services shall investigate:

   (A) All cases of suspected maltreatment of an endangered or impaired adult when the act or omission occurs in a place other than a long-term care facility; and

   (B) All cases of suspected maltreatment of an endangered or impaired adult if a family member is named as the suspected offender, regardless of whether or not the endangered or impaired adult resides in a long-term care facility.

(2) The Office of Long Term Care of the Division of Medical Services of the Department of Human Services shall investigate all cases of suspected maltreatment of an endangered or impaired adult occurring in a long-term care facility.

(3) If requested by the department, law enforcement agencies shall assist in the investigation of any case of suspected adult maltreatment.


(a) If admission cannot be obtained to the home, institution, or other place in which an allegedly maltreated adult may be present, the circuit court, upon good cause shown, shall order the person responsible for or in charge of the place to allow entrance for the examination and investigation.

(b) Further, if admission to the home cannot be obtained due to hospitalization or similar absence of the maltreated adult and admission to the home is necessary to complete the investigation, the circuit court, upon good cause shown, shall order law enforcement to assist the Department of Human Services to obtain entrance to the home for the required investigation of the home environment.

(c)(1) Upon request, the medical, mental health, or other records regarding the maltreated adult, maintained by any facility or maintained by any person required by this
chapter to report suspected adult maltreatment, shall be made available to the department for the purpose of conducting an investigation under this subsection.

(2) Upon request, financial records maintained by a bank or similar institution regarding the maltreated adult shall be made available to the department for the purpose of conducting an investigation under this subsection.

(3) The circuit court, upon good cause shown, shall order any facility or person who maintains medical, mental health, or other records regarding the maltreated adult to tender records to the department for the purpose of conducting an investigation under this subsection.

(d) The investigation may include a medical, psychological, social, vocational, financial, and educational evaluation and review, if necessary.

(e)(1) If before the investigation is completed, the Adult Protective Services Unit of the Department of Human Services determines that the immediate removal of the maltreated adult is necessary to protect him or her from further maltreatment, the unit may petition the circuit court for an order of temporary custody or may exercise a seventy-two-hour hold pursuant to § 5-28-301.

(2)(A) The unit may petition the circuit court for an order of temporary custody for the purpose of having the adult evaluated, if the unit determines before the investigation is completed that:

(i) The maltreated adult is in imminent danger of death or serious bodily harm;

(ii) Available protective services have been offered to alleviate the danger and have been refused; and

(iii) The maltreated adult's capacity to comprehend the nature and consequences of remaining in the situation or condition cannot be adequately assessed in the home.

(B) The circuit court, upon good cause being shown, may issue an order for temporary custody for the purpose of having the adult evaluated.

(C) The petition shall be filed and the order issued in the manner and procedures provided in § 5-28-303.


(a) Upon completion of an investigation, the Department of Human Services shall
determine that the allegations of adult maltreatment are either:

(1)(A) Unfounded, a finding that shall be entered if the allegation is not
supported by a preponderance of the evidence.

(B) All information identifying the subject of the report shall be expunged
one (1) year after completion of the investigation; or

(2)(A) Founded, a finding that shall be entered if the allegation is supported by a
preponderance of the evidence.

(B) A determination of founded shall not be entered solely because an
adult practicing his or her religious beliefs is receiving spiritual treatment under § 5-28-
105.

(b)(1)(A) After making an investigative determination, the department shall notify in
writing within ten (10) business days:

(i) The person identified as the offender;

(ii) The person identified as the maltreated adult, except that in
cases of unfounded self-neglect no notice is required;

(iii) The legal guardian of the maltreated adult; and

(iv) The current administrator of the facility if the incident
occurred in a long-term care facility.

(B) If the investigation determines that the report is founded, notification
to the offender shall be by process server or by certified mail, restricted delivery.

(2) The notification shall include the following:

(A) The investigative determination, exclusive of the source of the
notification, including the nature of the allegation and the date and time of occurrence;

(B) A statement that an offender of a founded report has the right to an
administrative hearing upon a timely request;

(C) A statement that the request must be made to the department within
thirty (30) days of receipt of the notice of determination;

(D) A statement of intent to report in writing the founded investigative
determination, once the offender has had an opportunity for a hearing, to:
(i) The adult maltreatment central registry; and

(ii) Any applicable licensing authority;

(E) A statement that the offender's failure to request a hearing in writing within thirty (30) days from the date of receipt of the notice will result in submission of the investigative report, including the investigative determination, to:

(i) The registry; and

(ii) Any applicable licensing authority;

(F) The consequences of waiving the right to an administrative hearing;

(G) The consequences of a finding by a preponderance of the evidence through the administrative hearing process that the maltreatment occurred;

(H) The fact that the offender has the right to be represented by an attorney at the offender's own expense; and

(I) The name of the person making notification, his or her occupation, and the location at which he or she can be reached.

(c)(1) The administrative hearing process shall be completed within one hundred twenty (120) days from the date of the receipt of the request for a hearing unless waived by the petitioner.

(2) The department shall hold the administrative hearing at a reasonable place and time.

(3) For incidents occurring in long-term care facilities, the department may not make a finding that an offender has neglected a resident if the offender demonstrates that the neglect was caused by factors beyond the control of the offender.

(4) Delays in completing the hearing that are attributable to the petitioner shall not count against the time limit.

(5) Failure to complete the hearing process in a timely fashion shall not prevent the department or a court reviewing the investigative determination of jurisdiction from making a final agency determination or reviewing a final agency determination under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(d)(1) When the department conducts such administrative hearings, the chief counsel of the department is authorized to require the attendance of witnesses and the production of books, records, or other documents through the issuance of subpoenas when such
testimony or information is necessary to adequately present the position of the department or the alleged offender in a report.

(2) Failure to obey the subpoena may be deemed a contempt, punishable accordingly.

(e) If the department's investigative determination of founded is upheld during the administrative hearing process or if the offender does not timely appeal for or waives the right to an administrative hearing, the department shall report the investigative determination in writing within ten (10) working days to:

(1) The offender;

(2) The current administrator of the facility if the incident occurred in a long-term care facility;

(3) The administrator of the facility that currently employs the offender, if different from the facility in which the incident occurred;

(4) The appropriate licensing authority;

(5) The adult maltreatment central registry;

(6) The legal guardian of the maltreated adult; and

(7) The maltreated adult.


5-28-221. Availability of pending and unfounded reports.

(a)(1) Pending reports shall be confidential and shall be made available only to:

(A) The Department of Human Services, including the Death Review Committee created by the Director of the Department of Human Services;

(B) Law enforcement agencies;

(C) Prosecutors;

(D) The office of the Attorney General;

(E) A circuit court having jurisdiction pursuant to a petition for emergency, temporary, long-term protective custody, or for protective services; and
(F) A grand jury or court, upon a finding that the information in the record is necessary for the determination of an issue before the court or grand jury;

(2) The subject of the report may only be advised that a report is pending.

(b) Upon completion of the administrative hearing process and if the allegation was determined to be unfounded, the investigative report shall be confidential and shall be made available only to:

(1) The department, including the committee created by the director of the department;

(2) Law enforcement agencies;

(3) Prosecutors;

(4) The office of the Attorney General;

(5) Any licensing or registering authority;

(6) Any person named as a subject of the report;

(7) A circuit court having jurisdiction pursuant to a petition for emergency, temporary, long-term protective custody, or for protective services; and

(8) A grand jury or court, upon a finding that the information in the record is necessary for the determination of an issue before the court or grand jury.


Subchapter 3 - Protective Placement and Custody
5-28-301. Emergency custody.

(a)(1) The Department of Human Services or a law enforcement official may take a maltreated adult into emergency custody, or any person in charge of a hospital or similar institution or any physician treating any such adult may keep that adult in custody, whether or not medical treatment is required, if the circumstances or condition of the adult is such that returning to or continuing at the adult's place of residence or in the care or custody of a parent, guardian, or other person responsible for the adult's care presents imminent danger to that adult's health or safety, and the adult lacks the capacity to comprehend the nature and consequences of remaining in a situation that presents imminent danger to his or her health or safety.

(2)(A)(i)(a) However, emergency custody shall not exceed seventy-two (72) hours, except in the event that the expiration of seventy-two (72) hours falls on a
weekend or holiday, in which case emergency custody may be extended through the next business day following the weekend or holiday.

(b) The department shall be notified immediately upon taking the adult into emergency custody.

(ii) The department may release custody of the adult within the seventy-two (72) hours if the adult is no longer in circumstances or conditions that present imminent danger to the adult's health or safety.

(B) An emergency ex parte order of custody shall be obtained on the maltreated adult within the seventy-two (72) hours, except in the event that the expiration of seventy-two (72) hours falls on a weekend or holiday, in which case emergency custody may be extended through the next business day following the weekend or holiday.

(C) An emergency order shall include:

(i) Notice to the maltreated adult of the right to:
   (a) A hearing and that the hearing will be held within five (5) business days of the issuance of the ex parte order and the date of the probable cause hearing, if known;
   (b) Effective assistance of counsel; and
   (c) Be present at the hearing; and

(ii) The location and telephone number of the court and the procedure for obtaining a hearing.

(D) Immediate notice of the emergency order shall be given by the petitioner or by the court to the respondent and the person from whom physical custody of the respondent was removed.

(3)(A)(i) When emergency custody is exercised pursuant to this section, the person exercising the custody or the department shall have authority to consent to having the maltreated adult transported by law enforcement or by ambulance if medically appropriate, even if the adult objects.

(ii) No court order shall be required for law enforcement or ambulance transport.

(B)(i) When an ambulance driver or company or law enforcement officer acts in good faith pursuant to this subdivision (a)(3), the immunity provisions of § 5-28-215 shall apply.

(ii) The good faith of the ambulance driver or company or law enforcement officer shall be presumed.
(b)(1) If the court grants the ex parte order of emergency custody, a hearing shall be held within five (5) working days to establish probable cause for grounds for temporary custody.

(2) The probable cause hearing shall be a miscellaneous hearing.

(c) Upon a finding of probable cause, the court may order temporary custody for up to thirty (30) days pending the hearing for long-term protective custody, unless the court extends the time upon a finding that extenuating circumstances exist.


(a) Any person may request voluntary protective placement under this chapter.

(b) No civil rights are relinquished as a result of such placement.

(c) Procedures for hearings pursuant to §§ 5-28-303, 5-28-304, and 5-28-306 shall be followed.


5-28-303. Temporary custody.

(a)(1) The Department of Human Services may file a petition requesting the court to find that there is probable cause to place a maltreated adult in temporary custody for a period of up to thirty (30) days, unless the court extends the time upon a finding that extenuating circumstances exist.

(2) This hearing shall be a miscellaneous hearing.

(b) During the period the maltreated adult is in emergency or temporary custody, the court may:

(1) Order or authorize the department to obtain:

(A) Medical treatment; or

(B) Physical or psychological evaluations;

(2) Issue orders regarding the adult's financial affairs; or
(3) Order that a hearing for long-term protective custody or court-ordered protective services be held.


5-28-304. Long-term custody - Notice - Court-ordered protective services.

(a)(1)(A) The Department of Human Services may file a petition requesting that a maltreated adult be placed in the department's long-term protective custody.

(B) Alternatively, or in combination with a petition for emergency or temporary custody, the department may file a petition for court-ordered protective services requesting that the maltreated adult or the primary caregiver of the adult be ordered to accept protective services in the adult's home environment in lieu of being placed in protective custody.

(2) The petition requesting long-term protective custody or court-ordered protective services may be combined with the petition requesting emergency or temporary custody.

(b) If the respondent is not represented by counsel, notice of a petition for long-term protective custody or court-ordered protective services shall be served upon the respondent at least seven (7) calendar days prior to the time set for a hearing.

(c) Notice of the respondent's rights shall be served upon the respondent at least seven (7) calendar days before the long-term protective custody hearing and may be contained in the notice provided to the respondent for the probable cause hearing or temporary hearing.

(d) The respondent shall be advised of the following rights:

(1) The right to effective assistance of counsel;

(2) The right to be present at the hearing;

(3) The right to present evidence on the respondent's own behalf;

(4) The right to cross-examine witnesses who testify against him or her;

(5) The right to present witnesses in the respondent's own behalf;

(6) The right to remain silent; and

(7) The right to view and copy all petitions, reports, and documents retained in the court file.
(e) The person or persons serving the notice shall return the certificate of service to the court verifying that the petition, the order for hearing, and a statement of the rights in subsection (d) of this section have been delivered and notice given.

(f) Notice of the long-term protective custody hearing shall be given to:

(1) The legal counsel of the respondent;

(2) The next of kin of the respondent whose names and addresses are known to the petitioner;

(3) The person having physical custody of the respondent;

(4) Any person named in the petition; and

(5) Any other persons or entities as the court may require.

(g) The circuit clerk shall not charge or collect a filing fee from the department when it files a petition for:

(1) Emergency, temporary, or long-term protective custody;

(2) Temporary custody for purposes of evaluation;

(3) Court-ordered protective services; or

(4) An order of investigation.


5-28-305. Contents of petition.

The petition shall set forth the following:

(1) The name, address, and, if known, the date of birth of the abused, neglected, or exploited adult;

(2) The abused, neglected, or exploited adult's current location;

(3) The name and address of the abused, neglected, or exploited adult's closest adult relative, if known;

(4)(A) The facts which, if proven, cause the person to be an abused, neglected, or exploited adult.
(B) The facts may be set out in an affidavit attached to the petition and incorporated therein; and

(5) The relief requested by the petitioner.


(a) A hearing for long-term protective custody or court-ordered protective services shall be no later than thirty (30) days from the date of the probable cause hearing or the date the order for emergency or temporary custody was signed, unless the court extends the time in which the hearing must be held upon a finding that extenuating circumstances exist.

(b) The court may hold a hearing for long-term protective custody or court-ordered protective services anywhere in the judicial district.

(c)(1) The court shall make a finding in connection with the determination of the least restrictive alternative to be considered proper under the circumstances, including the finding for noninstitutional care wherever possible.

(2) Where there are protective services available to remedy the imminent danger to the maltreated adult, the court may order the adult or the caregiver for the adult to accept the protective services in lieu of placing the adult in protective custody.

(d) In the order, the court shall specify:

(1) The placement or care plan to be followed;

(2) The reason for the placement or care to be given;

(3) The scope and duration of the order;

(4) That the Department of Human Services periodically review the case every six (6) months or more frequently if warranted;

(5) That the department monitor the protective services being received in lieu of protective custody as often as is necessary to prevent the recurrence of the danger; and

(6)(A) The requirement of judicial review of the case, either formal or informal as determined by the court, at least one (1) time a year.

(B) Notice for review hearings shall be by regular mail to the attorney for the respondent and to the administrator of the facility in which the respondent is placed.
(e) No long-term protective custody may be ordered unless there is a determination by the court that:

(1) The adult is lacking the capacity to comprehend the nature and consequences of remaining in a situation that presents an imminent danger to his or her health or safety;

(2) The adult is unable to provide for his or her own protection from maltreatment; and

(3) The court finds clear and convincing evidence that the adult to be placed is in need of placement as provided in this chapter.

(f) Placement may be in facilities such as nursing homes, boarding homes, medical institutions, foster care services, or other facilities that provide either medical or personal supervision.

(g)(1) Placement under this section does not replace commitment of a person in need of:

(A) Acute psychiatric treatment;

(B) Chronic mental health treatment; or

(C) Alcohol or drug abuse treatment.

(2) Placement under this section does not apply to domestic abuse of mentally competent persons or persons needing casework supervision by mental health professionals.

(3) No adult shall be placed in the custody of the department for the sole purpose of consenting to the adult's medical treatment.

(h) Any person aggrieved by any order for long-term protective custody or for court-ordered protective services may appeal to a court of competent jurisdiction in the manner and procedures now provided by law.


(a)(1) The circuit court shall have the authority to enter orders, as needed, to identify, secure, and protect the assets of any person in the custody of the Department of Human Services or any maltreated adult receiving court-ordered protective services from the department.
(2) The court, after review of the assets, may order the sale of any assets if it is in the best interests of the maltreated adult.

(b) The court shall also have the authority to direct payment from the assets of the person in department custody or receiving protective services from the department for services rendered or goods purchased by or for the person in the custody of the department or receiving services from the department.

(c)(1) The court may appoint only the department as custodian of the person and not the estate of the person.

(2) The court has jurisdiction in this matter to hear and grant a petition for guardianship of the estate of a person in the custody of the department.


5-28-308. Jurisdiction - Custody proceedings.

The probate division of circuit court shall have jurisdiction over proceedings for temporary and long-term protective custody, for court-ordered protective services, or for an order of investigation pursuant to this chapter.


5-28-309. Duties and responsibilities of custodian.

(a)(1) If the court appoints the Department of Human Services as the legal custodian of a maltreated adult, the department shall:

(A) Secure care and maintenance for the person;

(B) Honor any advance directives, such as living wills, if the legal documents were executed in conformity with applicable laws; and

(C) Find a person to be guardian of the estate of the person if a guardian of the estate is needed.

(2) If the court appoints the department as the legal custodian of a maltreated adult, the department may:

(A) Consent to medical care for the person;

(B) Obtain physical or psychological evaluations; and

(C) Obtain medical, financial, and other records of the person.
(b) The department, as custodian, may not make any of the following decisions without receiving express court approval:

(1) Consent to abortion, sterilization, psychosurgery, or removal of bodily organs except when necessary in a situation threatening the life of the incapacitated person;

(2) Consent to withholding life-saving treatment;

(3) Authorize experimental medical procedures;

(4) Authorize termination of parental rights;

(5) Prohibit the person from voting;

(6) Prohibit the person from obtaining a driver's license;

(7) Consent to a settlement or compromise of any claim by or against the person or his or her estate; or

(8) Consent to the liquidation of assets of the person, such as an estate sale.


5-28-310. Availability of custody and protective services records.

(a) Reports, correspondence, memoranda, case histories, medical records, or other materials compiled or gathered by the Department of Human Services regarding a maltreated adult in the custody of the department or receiving services from the department shall be confidential and shall not be released or otherwise made available except:

(1) To the maltreated person;

(2) To the attorney representing the maltreated person in a custody or protective services case;

(3) For any audit or similar activity conducted with the administration of any plan or program by any governmental agency which is authorized by law to conduct the audit or activity;

(4) To law enforcement agencies, a prosecuting attorney, or the Attorney General;

(5) To any licensing or registering authority to the extent necessary to carry out its official responsibilities, but the information shall be maintained as confidential;
(6) To a circuit court under this chapter;

(7) To a grand jury or court upon a finding that information in the record is necessary for the determination of an issue before the court or grand jury;

(8) To a person or provider currently providing care or services to the maltreated adult; and

(9)(A) To individual federal and state representatives and senators with no redisclosure of information.

    (B) No disclosure shall be made to any committee or legislative body of any information that identifies by name or address any recipient of services.

(b) No person or agency to whom disclosure is made may disclose to any other person reports or other information obtained under this section.

(c) A disclosure of information in violation of this section shall be a Class C misdemeanor.

ADULT PROTECTIVE SERVICES
Operations Manual
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The mission of the Division of Aging and Adult Services has been to develop a system of programs and services that improve the quality of life for older, at-risk adults which enable them to live independently, with dignity, in the least restrictive environment available. Whereas the overall goal of the APS Unit must be to intervene and alleviate abuse, neglect and exploitation of impaired adults, our mission is to preserve the independence and dignity of those we are called to protect. The APS Unit seeks to accomplish this mission by securing individualized services from local agencies, having these services provided in the least restrictive environment available and in the least intrusive manner possible.

The Division of Aging and Adult Services:

- Serves as the focal point for all matters concerning older Arkansans.
- Serves as an effective and visible advocate for the aging population.
- Gives elderly citizens a choice of how and where they receive long term care services.
- Plans, coordinates, funds and evaluates programs for senior adults.
Section 200
APS TERMS, DEFINITIONS & ACRONYMS
Revised: July 16, 2003

As indicated, many of the terms and definitions used throughout the APS Operations Manual are statutorily based. Some commonly used acronyms are included for clarity. APS working terms and operational definitions are described in more detail throughout the manual.

AAA
Area Agency on Aging

AMA
Against Medical Advice

Abuse [ACA § 5-28-101(1)(A)(B)]
Any intentional and unnecessary physical act which inflicts pain on or causes injury to an endangered or impaired adult, including sexual abuse;

Any intentional or demeaning act which subjects an endangered or impaired adult to ridicule or psychological injury in a manner likely to provoke fear or alarm.

Adult Maltreatment [ACA § 5-28-101(2)]
Adult abuse, exploitation, neglect, physical abuse, or sexual abuse.

Adult Maltreatment Central Registry [ACA § 5-28-201(a)(1)]
Pursuant to this chapter, there shall be established within the department a statewide central registry for adult maltreatment.

Adult Protective Services [ACA § 5-28-101.9(A)(B)(C)]
Services to protect the endangered or impaired adult from self-neglect or self-abuse and to protect the endangered or impaired adult from abuse or neglect by others. Protective services may include, but not be limited to:
- Evaluation of the need for services;
- Arrangements for appropriate services;
- Assistance in obtaining financial benefit to which the person is entitled;
- Securing medical and legal services;
- Referrals for services available in the community;
- Referrals for legal assistance;
• Referrals to law enforcement or prosecutors;
• Seeking protective custody or court-ordered services for the adult;
• Assistance in locating an appropriate person or entity interested and able to assume guardianship over the endangered adult;

**APS Referral**
Any report made to APS concerning an adult in need of assistance due to allegations of abuse, neglect, or exploitation. This information is documented on the APS Intake Report, assigned a number in the Central Registry [ACA § 5-28-201(a)], and becomes an active referral.

**ASH**
Arkansas State Hospital

**Capacity to Comprehend**
An individual's ability to relate the significance of what they may be doing or failing to do that would place them in danger.

**Caregiver** [ACA § 5-28-101(3)]
Any related or unrelated person, owner, agent, high managerial agent of a public or private organization, or public or private organization that has the responsibility for the protection, care, or custody of an endangered or impaired adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.

**Clear and Convincing Proof**
Proof which results in reasonable certainty of the truth of the ultimate fact in controversy. Clear and convincing proof is shown when the truth of the facts asserted are highly probable.

**Client**
Adult individual who has been reported to APS for investigation of possible abuse, neglect, or exploitation.

**Confidential Material**
Any form, papers, reports, medical files, notes, or photographs pertaining to the client or persons involved in an APS case.

**CSR**
Case Summary Report

**DDS**
Division of Developmental Disabilities

**DME**
Durable Medical Equipment. The acronym is often used when referring to medical equipment and supplies paid for by Medicaid, e.g., wheel chairs, hospital beds, diapers.
DMH
Division of Mental Health

DPOA – Durable Power of Attorney
An instrument which authorizes another person to transact business or make certain decisions on another’s behalf. Unlike a power of attorney, a durable power of attorney is not rendered invalid by the subsequent disability or incapacity of the person. A DPOA must be executed while the person is competent and may define the scope of authority given a selected individual or entity.

Endangered Adult [ACA § 5-28-101(5)(A)(B)]
An adult, 18 years of age or older, who is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm to such person and who demonstrates the lack of capacity to comprehend the nature and consequence of remaining in that situation or condition or
A resident, 18 years of age or older, of a long-term care facility, certified pursuant to Title XIX of the Social Security Act, who is found to be in a situation or condition which poses an imminent risk of death or serious bodily harm and who demonstrates the lack of capacity to comprehend the nature and consequence of remaining in that situation or condition.

EMS
Emergency Medical Services
Economic & Medical Services

Exploitation [ACA § 5-28-101(6)]
The illegal use or management of an endangered or impaired adult’s funds, assets, or property, or the use of an endangered or impaired adult’s power of attorney or guardianship or person for the profit or advantage of himself or another.

FOIA
Freedom of Information Act

Founded [ACA § 5-28-220(a)(2)(A)(B)]
Investigative determination made when the allegation is supported by a preponderance of the evidence. A determination of founded shall not be entered solely because an adult, practicing his or her religious beliefs, is receiving spiritual treatment.

HDC
Human Development Center

HH – Home Health
Skilled nursing services paid for by Medicare and in some cases Medicaid. Home health also includes a physical therapy component.
HIPPA – Health Insurance Portability and Accountability Act of 1996
Requires DHHS to establish national standards for electronic health care transactions and national identifiers for providers, health plans, and employers. It also addresses the security and privacy of health data.

ICF/MR
Intensive Care Facility for the Mentally Retarded

Imminent Danger to Health or Safety [ACA § 5-28-101(7)(A)(B)]
A situation in which death or severe bodily injury could reasonably be expected to occur without intervention. The burden of proof is upon the department to show by clear and convincing evidence that such imminent danger exists.

Impaired Adult [ACA § 5-28-101(8)(A)]
Any adult 18 years or older, who suffers from mental or physical disease and as a consequence thereof, is unable to protect him/herself from abuse, neglect, or exploitation.

Mandated Reporters [ACA § 5-28-203(a)(1)]
Whenever any of the following has observed or has reasonable cause to suspect that an endangered or impaired adult has been subjected to conditions or circumstances which would reasonably result in adult maltreatment, as defined in this chapter, he or she shall immediately report or cause a report to be made in accordance with the provisions of this section:

(A) Physician  (K) Case worker
(B) Surgeon  (L) Mental health professional
(C) Coroner  (M) Peace officer
(D) Dentist  (N) Law enforcement officer
(E) Osteopath  (O) Facility Administrator
(F) Resident intern  (P) Employee in a facility
(G) Nurse  (Q) Employee of DHS
(H) Hospital personnel engaged in  (R) Firefighter
   in the administration, examination, care or treatment of
   persons
(I) Social worker  (S) Emergency medical technician
(J) Case manager  (T) Employee of a bank or other financial institution

No privilege or contract relieves anyone required by this mandate to make notification [ACA § 5-28-203 (c)]. Any person or official negligently or willfully failing to make notification shall be guilty of a Class C misdemeanor [ACA § 5-28-216 (a) (1)]. Any person or official willfully making false notification, shall be guilty of a Class A misdemeanor [ACA § 5-28-216 (a) (2)]. Any person convicted of making false notification who willfully commits the same offence, shall be guilty of a Class D felony [ACA § 5-28-216 (a) (3)].

MAR
Monthly Activity Report
MOW
Meals on Wheels

Neglect [ACA § 5-28-101(10)]
Acts or omissions by the endangered or impaired adult (self-neglect) and/or intentional acts or omissions by a caregiver constituting:
- Negligently failing to provide necessary treatment rehabilitation, care, food, clothing, shelter, supervision, or medical services to an endangered or impaired adult;
- Negligently failing to report health problems, changes in health problems, or changes in health conditions of an endangered or impaired adult to the appropriate medical personnel or
- Neglecting to carry out a prescribed treatment.

NH
Nursing Home

OCC
Office of Chief Counsel.

OMS
Office of Medical Services (Medicaid)

Physical Injury [ACA § 5-28-101(11)(A)(B)]
The impairment of a physical condition or the infliction of substantial pain. Where the person is an endangered or impaired adult there shall be a presumption that any physical abuse resulted in the infliction of pain.

POA – Power of Attorney
A written instrument which authorizes another person to transact business or make certain decisions on another’s behalf. The authority may be either general or specific. Both the general and specific powers of attorney may be revoked at any time but is automatically revoked upon the death of either party or upon the incompetence or incapacity of either party.

Privilege [ACA § 5-28-104]
Any privilege between husband and wife or between any professional person, except lawyer and client, including, but not limited to, physicians, members of the clergy, counselors, hospitals, clinics, rest homes, nursing homes, and their clients, shall not constitute grounds of excluding evidence at any proceedings regarding adult abuse, sexual abuse, or neglect of an endangered or impaired adult.

RCF
Residential Care Facility
Residential Treatment Facility

Sensitive Information
Sensitive information includes, but is not limited to, any information that when provided identifies an individual, family or circumstance relative to an APS investigation. Information regarding fellow employees considered to be private, e.g., SSN, home address, private telephone numbers, personal problems, family problems, may be considered sensitive information.

Serious Bodily Harm [ACA § 5-28-101(13)]
Physical abuse, sexual abuse, physical injury and/or serious physical injury as defined in this law.

Serious Physical Injury [ACA § 5-28-101(14)]
Any physical injury that creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health, or loss or protracted impairment of the function of any bodily member or organ.

Sexual Abuse [ACA § 5-28-101(15)]
Deviate sexual activity, sexual contact, or sexual intercourse, as those terms are defined in ACA § 5-14-101, with another person who is not the actor’s spouse and who is incapable of consent because he or she is mentally defective, mentally incapacitated, or physically helpless, as those terms are defined in ACA § 5-14-101.

Spiritual Treatment [ACA § 5-28-105]
A reported endangered or impaired adult, who is being furnished with treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner thereof, is not for this reason alone an endangered, abused, maltreated, or exploited person.

Subject of Report [ACA § 5-28-101(16)]
The endangered or impaired adult, the adult’s guardian and the offender.

Unfounded [ACA § 5-28-220(a)(1)(A)]
Investigative determination made when the allegation is not supported by a preponderance of the evidence.
Section 300
CONFIDENTIALITY
Revised: July 16, 2003

ACA § 5-28-213 states that reports made pursuant to this chapter which are determined to be founded, as well as any other information obtained, and reports written or photographs taken concerning founded reports in the possession of the Department of Human Services shall be confidential and shall be made available only to:

301 Who May Receive Confidential Information

- A physician who has before him an endangered or impaired adult whom he reasonably believes may have been maltreated;

- A person authorized to place the adult in protective custody (law enforcement official, physician, hospital Administrator), when such a person has before him an adult whom he reasonably believes may have been maltreated, and the person requires the information to determine whether to place the adult in protective custody;

- An authorized agency having responsibility for the care or supervision of an endangered or impaired adult, e.g., hospital, nursing facility, home health agency, hospice, AAA, adult day care center, HDC, etc..

- Any person who is the subject of the report;

- A grand jury or court, where it determines that such information is necessary for the determination of an issue before it;

- A prosecuting attorney, law enforcement official or coroner;

- The Attorney General or his designated investigator.

- A mandated reporter who has made a report of suspected maltreatment ONLY to extent that he or she may be informed after the completion and closure of the investigation whether legal action was taken, services were provided or no action.
was taken. No further information shall be released and the person shall be informed of the confidentiality of the information and the penalties for disclosure [ACA § 5-28-213(7)(B)]. Follow-up conversations with mandated reporters must be documented in the Case Summary Report (see Section 506).

Employers or volunteer agencies for purposes of screening employees, applicants, or volunteers. The agency's request must accompany a signed, notarized release from the employee, applicant, or volunteer. APS shall provide no information other than to confirm whether or not the Central Registry contains any founded reports naming the applicant as an offender.

302 Social Service Worker Social Service Workers Responsibility
Social Service Workers have access to a great deal of confidential and sensitive information. Releasing confidential information has its legal as well as its professional ramifications. The law and DHS policy speak specifically to the unauthorized release of information. Willful release of data or information contained in the central registry to persons not permitted by proper authority is a Class A misdemeanor. The reason for which and the person to whom you are releasing information are the factors that determine whether the release is authorized or unauthorized.

Additionally, DHS Employee Conduct Standards (DHS Policy 1085) dictate that disciplinary action can be taken for the unauthorized release of sensitive information. Sensitive information includes any information relative to an investigation and may include information regarding a fellow employee, e.g., home phone number and personal information.

303 Safeguards
Social Service Workers are called upon to create a balance between protecting the client, verifying the information obtained and collaborating with other entities to accomplish service goals. So how does the Social Service Worker protect him/herself?

1. First, ask yourself some very basic questions before you release the information.
   - Why are you releasing the information? For example, is it to accomplish a service goal or to assist law enforcement, etc.?
   - Have you been authorized or otherwise been given permission to release the information? Request the client's permission to arrange services, if appropriate, and remember, the law authorizes you to release information to the persons named in Section 301.
   - Is the individual to whom you are releasing the information authorized or entitled to receive the information?
   - Is it in the best interest of the client?
2. Don't speak too freely.
   ➢ Identifying yourself as an or from the Division of Aging and Adult Services provides sufficient information as to why you are contacting a service agency or individual on a client's behalf.
   ➢ Your task is to get information, not to give information. Never feel obligated to provide more information than you believe is relevant to accomplishing the goal you have established for your client.
   ➢ When in doubt, stop talking.

3. Document your actions. Your record will support your actions as long as the file reflects:
   ➢ Who you contacted;
   ➢ Why you contacted them;
   ➢ When you contacted them and
   ➢ Facts and information related to the situation.

4. Lastly, secure your files. The confidential information and materials in your possession are your responsibility. This includes information stored in your computer.
   ➢ When not being used, all confidential information should be in a secure locked file or like device. This includes computer disks that contain documents/records relative to your clients.
   ➢ DO NOT provide your ACCESS password(s) to any person other than DAAS Supervisory personnel.
   ➢ DO NOT leave your computer when operating in the ACCESS program without completely exiting the program.
400 Definitions

APS Intake Report

Allegations of abuse, neglect or exploitation of adults submitted to APS for investigation are recorded on the APS Intake Report (DHS 3310). The terms “intake” and “referral” are used interchangeably. The Intake Report is assigned a number when keyed to the central registry and then forwarded to the Social Service Worker in a computerized format. The majority of Intake Reports will be taken by the APS Intake Worker in the Central Office, however, each member of the APS Unit is responsible for accepting and recording allegations of abuse, neglect or exploitation on the APS Intake Report (DHS 3310).

APS Central Registry

ACA § 5-28-201(a) stipulates there be a statewide central registry for adult maltreatment. APS maintains a computerized index of information relative to reports of abuse, neglect and exploitation received and investigated by this office.

Adult Maltreatment Hotline

As required by § 5-28-217(a), The Department of Human Services maintains a single statewide telephone number that all persons, whether mandated or not, may use to report cases of suspected adult maltreatment. The Hotline may also be used by authorized individuals (Section 301) for determining the existence of prior records in order to evaluate the conditions or circumstances of an abused adult the person may have before them. Release of information will follow the requirements set forth in Section 406. The Adult Maltreatment Hotline (1-800-482-8049) is operational 24 hours a day, 7 days a week.

Intake Action

An intake action is simply the recording of information reported to any member of the APS Unit that is believed to be inappropriate or beyond the authority of APS to investigate.

ALL such reports must be recorded on an APS Intake Action Form (Appendix IXX) and forwarded to an APS Supervisor or Administrator by close of business the day the report is received. The Supervisor and/or Administrator will review the form to determine any further action needed.
The APS Supervisor or Administrator may require the author of the report to make a follow-up contact with the reporter to confirm the actions to be taken by APS and/or to provide technical assistance.

401 Intake Report Instructions
The following instructions are provided as guidance in filling out the DHS 3310 (sample at Appendix I). If specific information is not available, enter INA.

Date Received - Enter the date the referral is taken.

Time - Enter the time of day the report was received.

Client Name - Enter the name of the individual being referred to APS. Always request a spelling of the entire name.

Address/County/Directions - Enter the client’s residential address or ask for directions to the client’s home. If there is insufficient space continue the entry in the Description of Situation/Allegations Section. Do not accept a Post Office Box or mailing address. If the client is hospitalized or temporarily residing at another location, record both addresses and identify which is temporary.

Identify the client’s resident county.

Telephone Number - Enter the client’s telephone number.

DOB/Age - Enter the client’s date of birth or age. If the reporter is uncertain, place a (?) by the age provided to warn the Social Service Worker the age indicated may not be accurate.

Disability - Enter the client’s primary diagnosis or disability that renders them endangered or impaired. Include the reporter’s opinion of the client’s capacity to comprehend the circumstances placing them at risk. If the diagnosis includes any form of mental or developmental disability, document client’s legal status.

Sex - Enter the applicable gender code: M = Male or F = Female

Race - Enter the applicable race codes:
    B = Black
    W = White
    H = Hispanic
    O = Oriental
    N = Native American
    U = Unknown
Marital Status - Enter the applicable marital status code:
  W = Widow
  M = Married
  S = Single
  D = Divorced
  U = Unknown

SSN/ Medicare/ Medicaid Number - Enter the client’s SSN, Medicare and Medicaid numbers, as applicable.

Reporter's Name - Enter the name of the individual making the referral. Reports may be made anonymously. Advise the reporter their name will not be given out, even under the Freedom of Information Act. Additionally, the statute protects any person, official, or institution participating in good faith in the making of a report, from liability and/or lawsuit for damages, civil or criminal, that otherwise might result.

(Reporter's) Relationship to Client - Enter the reporter’s relationship to the client, e.g., sister, home health provider, neighbor, etc.

(Reporter's) Telephone Number - Enter the reporter’s telephone number where they can be reached during the normal workday.

Reporter's Address - Enter the reporter’s address. If a business address is provided, include the name of the agency or institution.

Alleged Perpetrator - If the reporter indicates there is a perpetrator, the Intake Worker will enter this comment as part of the allegation on the intake report. Enter the name, address, relationship and phone number of the alleged perpetrator in the "Other Knowledgeable Person" area of the intake. During the course of the investigation, the Social Service Worker conducting the investigation is responsible for determining if there is a perpetrator, who the perpetrator is and adding the name, address, relationship and phone number of the perpetrator in the comments section of the Case Summary Report.

Description of Situation/Allegations - Enter the reporter’s statement. Secure sufficient information to answer at a minimum, who, what, where, when, how, and why the situation exists.

The Intake Worker must indicate whether APS has received other reports regarding the client.

Basis of Knowledge - Enter the basis by which the reporter became aware of the situation.
Immediate threat - Ask the reporter if they believe the client’s physical safety or health is in immediate danger. Enter the reporter’s response. If the reporter indicates the client is in immediate danger, it is the responsibility of the person taking the report to insure the assigned and their Supervisor is aware of that information.

Knowledgeable Persons - Enter the name, relationship, address and telephone number of the alleged perpetrator, family members or other persons who may have knowledge of the client. If the client has a legal guardian, the name, address and phone number of the guardian shall be entered.

Signature - Intake Person - Enter your signature.

402 Intake Action Form (IAF) Instructions

Date Received - Enter the date the report is taken.

Time - Enter the time of day the report was received.

Client Name - Enter the name of the individual the caller is concerned about. Always request a spelling of the entire name.

DOB/Age - Enter the individual’s age. If the caller is uncertain, place a (?) by the age provided.

Disabling Condition - Enter the primary diagnosis or disability rendering the individual at risk or is the cause of the caller’s concern. Include the caller’s opinion of the individual’s capacity to comprehend their circumstances.

Caller’s Name - Enter the caller’s name.

Caller’s Relationship to Individual - Enter the caller’s relationship to the client, e.g., sister, home health provider, neighbor, etc.

Caller’s Telephone Number - Enter the caller’s telephone number where they can be reached during the normal workday.

Description of Situation - Enter sufficient information for the APS Supervisor or Administrator to discern the appropriateness of the call. Include the basis of the caller’s knowledge of the situation.

Advice or Technical Assistance Offered – Enter any advice and/or referral information offered to the caller. Specify which referral sources and/or local resources were suggested.

Fax/Submission Method & Time - Enter the time the completed IAF was forwarded to Central Office and the mode of transmission used.
Signature – To be entered by the person taking the call and completing the IAF.

APS Action to be Taken – (To be completed by an APS Supervisor or Administrator)
Possible APS actions to be taken include, but are not limited, to:
- Accepting the case as an APS referral and completing the DHS 3310,
- Taking no further action other than to notify the caller of the Supervisor’s decision or
- Taking no further action with no follow-up call needed.

All applicable action types will be marked, initialed and dated by the Supervisor reviewing the form. The completed form will be forwarded to the APS Administrative Assistant for proper routing.

403 Domestic Violence
Reports of domestic abuse of an endangered or impaired adult shall be recorded on the DHS 3310 according to the procedures set forth in Section 401.

Reports of domestic abuse involving adults not considered endangered or impaired shall be recorded on the APS IAF according to the procedures set forth in Section 402. At a minimum, the caller should be strongly encouraged to call law enforcement and be provided with the Battered Women’s Hotline telephone number, 1-800-332-4443.

404 Referrals Involving Nursing Home Residents
APS will oftentimes be the first agency contacted by persons wishing to report nursing home abuse. All pertinent information will be recorded on the Intake Action Form. The caller will be told the information provided has been recorded and will be forwarded to the Office of Long Term Care. If the caller feels the situation warrants emergency action, they will be referred to local law enforcement.

The Office of the Attorney General shall have concurrent jurisdiction with the Department of Human Services to investigate cases of suspected adult maltreatment of an endangered or impaired adult in a long-term care facility certified pursuant to Title XIX of the Social Security Act [ACA 5-28-107(a)].

There is nothing that prohibits APS from offering technical assistance regarding nursing home clients in need. Supervisory approval must be obtained prior to initiating any such assistance.

405 Central Registry Control Number
The Intake Worker is responsible for validating the official receipt of all reports by assigning each a Central Registry Control Number (CRCN). This action authorizes the investigation. The CRCN will be reflected on the DHS 3310 forwarded to the Social Service Worker.
Intake reports taken by Social Service Workers are to be emailed or faxed to the Intake Worker for registration. For expediency, the control number may be assigned and provided to the Social Service Worker via email or telephone but will otherwise be reflected on the DHS 3310.

406 Contents of the APS Central Registry
ACA § 5-28-207 stipulates the central registry shall contain, but not be limited to:

- Information contained in the initial written or telephone report;

- Records of final disposition of the report and the investigation thereof, including services offered and services accepted and whether the report is founded or unfounded;

- The plan, if any, for rehabilitation treatment or preventive/ameliorative services;

- The names and identifying data, dates and circumstances of persons requesting or receiving information from the registry and

- Any other information which might be helpful in furthering the purposes of the statute.

407 Rights of the Subject of a Report
In accordance with ACA § 5-28-213, at any time a subject of a report may receive, upon request, a report of all information contained in the central registry concerning completed founded investigations of which he/she is a subject. The name of the reporter will be removed prior to releasing any information. The names of any other individuals who assisted with the investigation may be removed if providing their name would be detrimental to the interest or safety of the person.

All requests for or inquiries relative to receiving information from the Central Registry should be referred to the Program Administrator.

408 Expungement of Information in the Central Registry
In accordance with ACA § 5-28-220(a)(1)(B), when the preponderance of evidence fails to support that adult maltreatment occurred, the case will be classified as Unfounded. All identifying information will be expunged one (1) year after completion of the investigation.

When the preponderance of the evidence supports that abuse, sexual abuse, neglect or exploitation occurred, the case will be classified as Founded. The information relative to the report will be maintained thereafter in the Central Registry.
Release of Information in the Central Registry

Under no circumstances may the information in the central registry be released unless the subject's or official's identity and authorization is confirmed. The information released must state whether the report is founded or unfounded.

Any person who willfully permits, and any other person who encourages, the release of data or information contained in the central registry to persons to whom disclosure is not permitted by law to have the information, may be found guilty of a Class A misdemeanor [5-28-202(e)].
The position requires a disciplined approach to routine and not so routine duties assigned. This position is uniquely individualistic, allowing for a variety of styles and methods of accomplishing mandated tasks and contributing toward a team effort.

The Social Service Worker must make reasoned and levelheaded decisions. At times, actions will have to be taken quickly and decisively. Some situations will be adversarial and potentially dangerous. All actions must be professionally documented and defendable in court. APS Supervisory staff are centrally located and available at all times for consultation either in person, by telephone or e-mail.

If at any point during the course of intake or conducting the investigation, the Social Service Worker discovers a conflict of interest, e.g., victim or perp is a family friend, it is the responsibility of the Social Service Worker to notify the Supervisor and/or Administrator immediately. Case reassignment is the discretion of the Supervisor.

501 Statutory Requirements
ACA § 5-28-101 (12) (B) mandates that protective services shall include, but not be limited to,
(i) evaluation of the need for services,
(ii) arrangements for appropriate services,
(iii) assistance in obtaining financial benefits to which the person is entitled or
(iv) securing medical and legal services.

ACA § 5-28-101 (12)(C)(i) states protective services may include
(a) referrals for services available in the community,
(b) seeking protective custody or court-ordered services for endangered adults and
(c) assistance in locating an appropriate person or entity to assume guardianship over an endangered adult.

In situations involving exploitation of an endangered or impaired adult not resulting in any imminent danger to health or safety, or involving protection of the property of such an impaired adult, protective services may include one (1) or more of the following: (a) referrals for legal assistance, (b) referrals to law enforcement or prosecutors and (c) assistance in locating an
appropriate person or entity interested in and able to assume guardianship [ACA § 5-28-101 (12)(C)(ii)].

The Department of Human Services shall have jurisdiction to investigate all cases of suspected maltreatment of an endangered or impaired adult, as follows:

1. Adult Protective Services shall investigate:
   a. All cases of suspected maltreatment of an endangered or impaired adult when the act or omission occurs in a place other than a long-term care facility; and
   b. All cases of suspected maltreatment of an endangered or impaired adult if a family member is named as the suspected offender, regardless of whether or not the endangered or impaired adult resides in a long-term care facility.

2. The Office of Long Term Care shall investigate all cases of suspected maltreatment of an endangered or impaired adult occurring in a long-term care facility.

3. Law enforcement agencies shall assist in the investigation of any case of suspected adult maltreatment when requested by the DHS. [ACA 5-28-218]

The Office of the Attorney General shall have concurrent jurisdiction with DHS to investigate cases of suspected adult maltreatment of an endangered or impaired adult in a long-term care facility certified pursuant to Title XIX of the Social Security Act. [ACA 5-28-107(a)]

The primary purpose of an investigation is to protect the maltreated adult and to refer for prosecution those persons who maltreat any endangered or impaired adult [ACA 5-28-210(b)].

These mandates require APS to not only investigate and determine if the allegations presented in the report are true but also to identify what is needed to protect the adult. APS’ mission is to preserve the independence and dignity of those we are called to protect by securing individualized services and arranging for those services to be provided in the least restrictive environment available and in the least intrusive manner possible.

502 Procedural Requirements
An APS investigation must address each allegation made by the reporter and at a minimum result in the accumulation of the following information:

- The nature, extent and cause of the abuse, neglect or exploitation;
- The identity of the person(s) responsible for the abuse or neglect;
- The names and conditions of other adults in the home;
- An evaluation of the person(s) responsible for the care and/or protection of the client; if any, and
Pertinent information regarding the home environment and relationship of the client to the caregiver.

Note: Because the investigation must also include any other issues pertinent to the client's service needs, the SOCIAL SERVICE WORKER must broaden the scope of questioning and observation beyond those referenced in the report. This may require more than one interview.

502.1 Interviewing the Reporter
The Social Service Worker will contact the reporter prior to visiting the client in their home, unless the time required to do so could further jeopardize the client. Interviewing the reporter allows the Social Service Worker to acquire additional information and/or details of the report that may not have been shared or recorded during the Intake process. This contact may also provide the opportunity to obtain information relative to the Social Service Worker's personal safety in the client's home. Obviously, if the reporter has elected to remain anonymous, the Social Service Worker is excused from this requirement.

If at any point during intake or the investigative process an APS staff member believes a crime has been committed, they are responsible for making a report to the law enforcement agency holding jurisdiction in the client's county or city of residence. Written confirmation of the report must be forwarded to law enforcement within 24 hours of filing the report. A copy of the confirmation letter must be forwarded to the APS Administrator.

502.2 Interviewing the Client
When a report indicates the client is in immediate need of assistance, the referral will be treated as an emergency and the client will be seen within 24 hours.

If immediate assistance is not indicated, the initial face to face interview with the client will be unannounced and conducted no later than three working days from the date the report was filed with APS. If the Social Service Worker is unable to locate the client and has exhausted all other means of obtaining a better address or directions, the client may be called for directions to the home. This call must be made while in the general vicinity and should not give sufficient notice of your arrival as to allow for a change of circumstances in the home. All such actions must be documented in the Case Summary Report.

The statute stipulates the face-to-face interview with the client is to be out of hearing of any next of kin or other persons responsible for their care [ACA 5-28-210(c)(2)(F)(i)(ii)]. The Social Service Worker may allow the presence of a third party, not associated with the allegations, if they believe their presence will facilitate a more comfortable open interview with the client. The name and title of the person, along with the justification for allowing them to be present must be documented in the Case Summary Report.
When needed, the Social Service Worker shall arrange for an interpreter to conduct the interview [ACA 210(c)(2)(F)(iii)]. DHS holds a state contract for interpreter services; therefore, any costs associated with these services must be prior authorized by an APS Supervisor.

The Social Service Worker is responsible for organizing and prioritizing the referrals assigned to accommodate these requirements. If for any reason the three day requirement cannot be met, the Social Service Worker must notify their Supervisor prior to the third day to request an extension for the initial visit. The Social Service Worker must document whom they called, when they called, the reason given for failing to meet the requirement and the Supervisor's response in the Case Summary Report.

An incorrectly assigned case remains the responsibility of the assigned Social Service Worker until it is transferred to another SSW by an APS Supervisor/Administrator. All case transfers are at the discretion of the Supervisor. If the transfer is not accomplished within two days of the date the report was filed with APS, the assigned Social Service Worker will retain responsibility for completing the investigation and closing the case.

502.3 Home Visit
ACA 5-28-210(2)(F)(i) requires a visit to the maltreated adult's home. If admission to the home is denied and the Social Service Worker is unable to assess the client's physical wellbeing, the Social Service Worker may request the assistance of local law enforcement. If the client and/or caregiver cannot be persuaded to cooperate, the Social Service Worker shall contact an OCC Attorney and request a petition be filed for an order of entry. The Social Service Worker must secure law enforcement assistance in exercising the court order.

NOTE: Visits to hospitals or other alternate settings do not meet this minimum requirement, if the client's long term placement is to be their home or a setting other than a licensed nursing facility. The Social Service Worker will make a follow-up visit within one week of the client's return home to assess their safety and wellbeing.

502.4 Interviewing the Perpetrator
ACA § 5-28-220(b)(1)(A) requires the department to notify each subject of a report of the case determination to insure they are afforded their right to due process. This requirement mandates that the alleged perpetrator be interviewed regarding the allegations made against them. The Social Service Worker is responsible for confirming/procuring the alleged perpetrator's mailing address and providing the information in the Comment Section of the Case Summary Report.

If the Social Service Worker feels they have sufficient evidence to support waiving the interview with the alleged perpetrator, they may present the evidence along with a written request for a waiver to their Supervisor. Based on the evidence provided, the Supervisor and Administrator will make a joint decision as to legitimacy of the request. The Social Service Worker will be notified of the decision.
502.5 Collateral Contacts
The Social Service Worker shall contact all other witnesses, family members, neighbors, or persons named during the interview who may provide additional information pertinent to the investigation. Consideration of the client's right to confidentiality can be guaranteed as long as the Social Service Worker is obtaining information rather than providing information. Documentation of all such contacts must be maintained in the client's file. Names, dates and a brief synopsis of the information obtained shall be documented in the Case Summary Report.

502.6 Service Provider Contacts
The Social Service Worker will contact other agencies, professionals or service providers that may have information relative to the client's service needs. ACA § 5-28-219(c)(1) requires any facility or person mandated to report to release medical, mental health or other records regarding the adult for purposes of completing the investigation.

Service needs identified by the client, caregiver and/or Social Service Worker should be discussed and, if possible, arranged for by the Social Service Worker. Documentation in the Case Summary Report must reflect the names and dates of any service provider contacts and referrals for service made on the client’s behalf.

502.7 Notification to Guardian
A courtesy contact will be made to any known guardian to notify them of APS’ involvement with the client. Any insight provided by the guardian, e.g., communication techniques, behavioral history, past incidents or concerns, shall be included in the Case Summary Report for consideration when making the case determination.

503 Areas of Evaluation
The Social Service Worker should consider each of the following areas when evaluating a client's situation. If the area of evaluation applies to the client you are assessing, record any relevant data on the APS Assessment Guide (DHS 3311).

✓ Personal Appearance
  Consider the client’s dress, hygiene, posture, facial expression, gestures and speech.

✓ Functional Status
  Confirm the client’s ability to ambulate, perform activities of daily living, e.g., dressing, bathing, eating, meal preparation, laundry, shopping.

✓ Nutritional Status
  Confirm the supply and availability of food; special dietary needs, ability to comprehend dietary needs.
✓ **Physical Status**
Consider the client's overall physical appearance, recent or unexplained weight loss, evidence of abuse or neglect, e.g., bruises, unexplained injuries, decubitus ulcers, dehydration, malnutrition. Photographs may be necessary in extreme situations. Professional courtesy should be exercised when taking photographs of the client's body. All photographs must be labeled with the client's name, the date, the location, the case number, and the name of person taking picture.

✓ **Mental Status**
Confirm the client's orientation to person, place and time; alertness/awareness; signs/symptoms of, confusion, depression, delusions or hallucinations.

✓ **Behavioral Status**
Observe for obvious or reported fearfulness, forgetfulness, anxiousness, wandering behavior or tendency of getting lost.

✓ **Medical History**
Confirm medical diagnosis; severe or chronic medical symptoms; pattern or frequency of health problems; dates of hospitalizations; utilization of community and in-home health services.

✓ **Medications**
Confirm names, dates and dosages of medications; name of prescribing physician and dispensing pharmacy, name and frequency of non-prescription medications taken. How are medications obtained? How are they paid for? Who administers them?

✓ **Physical Environment**
Observe type and condition of residence; presence and condition of necessary furnishings and appliances; evidence of operative utilities; distance and relationship of nearest neighbor, presence of animals or vermin.

✓ **Social Environment**
Confirm roles and availability of significant others and supports; interests and activities. frequency and duration of social contacts, evidence of isolation.

✓ **Financial Status**
Confirm income and assets, ability to manage finances, location and identification of accounts, evidence of misuse by others, monthly expenses, program eligibility, e.g., Medicare, Medicaid, SSA, SSI.

✓ **Legal Status**
Verify any guardianship, conservator, power of attorney or representative payee that reportedly exist by obtaining the name of the responsible party and a copy of the document or court order.
504  POSSIBLE OUTCOMES
The circumstances a Social Service Worker may possibly encounter during the course of an APS investigation are unpredictable. It is difficult to speculate with any accuracy the outcomes one may expect to occur. The following list, though not exhaustive, provides some insight to the outcomes a Social Service Worker may see:

♦ Client is in imminent danger, lacks the capacity to recognize/remedy the danger and must be taken into emergency protective custody.

♦ Client is not endangered but could use some assistance in the home.

♦ No services are needed.

♦ Allegations are resolved or were not found to be true and the client has no need of assistance.

♦ Client declines available services and their capacity to understand the consequences of doing so is not in question.

♦ Services are requested, referrals are made, and services are set in motion.

♦ Client’s care is assured through court ordered guardianship. A copy of the court order has been obtained.

♦ Client voluntarily enters or is admitted by family to a long-term care facility.

♦ Client moves in with others who are willing and capable to care for them.

♦ Repeated attempts to locate the client are unsuccessful.

♦ Client dies prior to case closure.

505  Investigative Determinations
Based on the information provided in the Case Summary Report, the APS Supervisor shall determine that the allegations are either “Unfounded” or “Founded” or “Incomplete”.

Unfounded shall be the determination when the allegation(s) is not supported by a preponderance of the evidence. The Case Summary Report must contain details of how the Social Service Worker met their responsibility to arrange for services needed to improve the client’s quality of life and/or serve as a prevention of future abuse or neglect.

Founded shall be the determination when the allegation(s) is supported by a preponderance of the evidence. The Case Summary Report must contain details of how the Social Service Worker met their responsibility to protect the client and to remedy the circumstances found to exist.
Founded reports must be maintained indefinitely and released to authorized parties upon receipt of a formal request.

**Incomplete** shall be the determination when the investigation cannot be completed due to an inability to interview the subject(s) of the report. The Social Service Worker must document why the investigation could not be completed and have prior approval from their Supervisor to submit an incomplete case for closure. Incomplete cases will be placed in an inactive status for one (1) year, at which time they will be expunged.

**506 Professional Requirements**

- Social Service Workers must have their DHS issued identification in their possession during business hours and make it available, either by wearing it or presenting it to the client/caregiver, at each visit.

- The Social Service Worker must identify who they are and state the purpose of their visit in a non-threatening manner.

- The Social Service Worker must provide the client and/or caregiver with their DHS business card.

- The Social Service Worker will make a follow-up contact with mandated reporters before recommending the case for closure. **The purpose of this call is confirm that circumstances have not changed since the original call and for the Social Service Worker to identify whether any action, e.g., legal action, referrals for service, is being taken by APS.** This should not be misconstrued as a forum to explain or justify your actions. Documentation to support completion of this requirement must be included in the “Findings Based On” Section of the Case Summary Report.

- A Notice of 72-hour Hold Form, Appendix XX, will be completed and faxed to the admitting facility when an adult is taken into 72-hour emergency custody. The form is to be completed by the APS staff person taking or agreeing to the emergency action within 24 hours of the placement.

**507 Documentation**

**DOCUMENTATION IS NOT OPTIONAL.** All case files must include narrative to support the actions of the Social Service Worker. Narratives must include, but not be limited to, names, dates and times of visits, interviews and contacts along with a synopsis of actions taken and the outcomes of those actions. Failure to accurately document case actions and/or omitting case information may result in suspension, demotion or termination.
An APS investigation is "completed" when the investigation is concluded, a case summary report of the case is forwarded to and approved for closure by the APS Supervisor and all relevant data is entered in the Central Registry. The information in the report will be included in the Central Registry and the data used for demographic and statistical research and management.

The APS Case Summary Report will be completed and APS Supervisor notified that report is ready for review, no later than 30 days from the date the referral was received by the Central Registry. The Social Service Worker may seek the approval of Supervisor and/or Administrator when extenuating circumstances necessitate an extension of this timeframe.

601 Case Summary Report Instructions
All spaces must be completed. The ACCESS program will use data entered in the Intake Report and the Assessment guide to complete certain areas of the form automatically, responsible for completing remainder of form. Review all fields to confirm the information provided is accurate. If data entered automatically is incorrect, return to the Assessment Guide and make the necessary corrections. If you are uncertain about information, do not guess. Your information must be as accurate as possible.

Case Number: Entered automatically from the Intake Report.

Age: Entered automatically from the Assessment Guide.

Race and Sex: Entered automatically from the Assessment Guide.

Referral Date: Entered automatically from the Intake Report.

Referral Seen: Enter the date you had a face-to-face visit with the client.
Abuse Type(s): Entered by Social Service Worker and based on investigation and assessment of client and situation. The APS system include a drop-down box with the following options:

- Physical Abuse (PA)
- Verbal Abuse (VA)
- Sexual Abuse (SA)
- Self Neglect (SN)
- Caregiver Neglect (CN)
- Exploitation (E)

Offender/Perpetrator: When an Abuse Type of Physical Abuse, Verbal Abuse, Sexual Abuse, Exploitation, or Caregiver Neglect is entered, the Offender/Perpetrator portion of the CSR must be completed.

Allegations: True or False
Was there more evidence that the allegations made by the reporter were true or was there more evidence that the allegations made were false? If there is a combination of evidence that both supports and counters the allegations, your response should be based on the majority of factual evidence.

Emergency: Yes - Immediate action was necessary for client’s safety and well being.
No - Immediate action was not required.

OCC Notified: If applicable, enter the date OCC was contacted for a legal opinion (details of this exchange must be documented in the "Comments" section) and/or notified to initiate protective custody proceedings.

Findings: Your findings supported by information entered in the Assessment Guide will determine whether the client:
- Has Capacity, No Imminent Danger
- Lacks Capacity, No Imminent Danger
- Has Capacity, Imminent Danger Risk
- Lacks Capacity, Imminent Danger Risk
- Capacity Questionable, No Imminent Danger

Custody: Enter the date the client was taken into protective custody.

Guardianship: Was Guardianship assistance provided?
- Yes - Document assistance was in the "Findings & Recommendations Section
- No
- Not Applicable.

Assessment Guide Completed: Entered automatically from the Assessment Guide.
Reported Allegation: Entered automatically from the Intake Report.

Findings and Recommendation: Use descriptive facts to address each allegation. Include statements made by persons interviewed and indicate as "quotes". DO NOT offer opinions, judgements, or feelings. As a minimum provide the Supervisor with your:

- Impression of the client's orientation, awareness, ability to ambulate and function independently.
- Evaluation of the client's living conditions, food available, transportation, support network, in-home services in place.
- Actions taken to alleviate problem(s) or improve quality of life, if applicable.
- Synopsis of the interview with the client, alleged perpetrator and other collateral/knowledgeable persons.
- If applicable, the reason(s) the case is being recommended for closure as pending/incomplete.

Findings Based On: List the sources of information your findings and recommendations are based on. Include the name, date, type of contact of each interview conducted.

Outcomes: Using the drop down box, make the selection that most closely reflects the case outcome:
- No Action
- Custody
- Court Ordered Services (COS)
- Guardianship Assist (GA)
- Monitoring - In the box that appears, provide a description of how you plan to monitor.
- Referral - From the list that appears, select the referral source used:
  - LTC
  - HDC
  - DMH
  - DDS
  - AAA
  - Waiver
  - Medicaid
  - SSI
  - Other - Provide a description in the box that appears.

Comments: This section should not be used to express opinions, feelings or judgements but may include explanations and/or information the Social Service Worker would like to have on record. The name and address of the alleged perpetrator will be entered here, if it is not reflected on the Intake Form.
**Recommended Closure Date:** Enter the date you are notifying the APS Supervisor the case is ready for review. This date must be within 30 days of the date the referral was received, unless approved in advance by the APS Supervisor and/or Administrator. Documentation to support this action must be included as part of the Case Summary Report.

**Social Service Worker (Signature):** The Social Service Worker's name will automatically appear and will be considered as the Social Service Worker's signature. DO NOT allow anyone to enter information to the APS ACCESS Program as you will be held accountable for all information entered from your computer.

**Date Closure Approved:** Entered by the APS Supervisor.

**Supervisor's Finding:** The APS Supervisor will enter the applicable investigative determination based on the findings and recommendations made by the Social Service Worker.

**602 Notification of Submission for Review**
Email the APS Supervisor (cc the APS Administrative Assistant) the case numbers of the investigations you have completed and are recommending for closure. The Program Supervisor will return email the Social Service Worker with notification of whether additional information/action is needed or that the case was approved for closure.

Upon approving the case for closure, the APS Supervisor will forward the applicable APS Notice of Determination addressed to each subject of the report to the APS Administrator for processing. The APS Notice of Determination – Founded, shall be sent by certified mail, restricted delivery.

An APS Notice of Determination – Unfounded is located at Appendix XII. An APS Notice of Determination – Founded is located at Appendix XIII.

**603 Notification of Findings**
Each subject of a Founded report must be provided an opportunity to refute the information maintained in the Central Registry concerning them. This is accomplished by notifying them of the case determination and of their right to request an administrative hearing.

ACA § 5-28-220(b)(1)(A) mandates the department to notify each known subject of a report of the investigator’s determination within ten (10) business days after the completion of the investigation. Such notification must include the following:

- The investigative determination, exclusive of the source of the notification, including the nature of the allegation and the date and time of occurrence;
- A statement that a subject of a founded report may request an administrative hearing upon a timely request;
- A statement that the request must be made to the department within thirty (30) days of receipt of the notice of determination;
• A statement of intent to report in writing the founded investigative determination, once
the offender has had an opportunity for a hearing, to:
  • The adult maltreatment central registry; and
  • Any applicable licensing authority.
• The consequences of waiving the right to an administrative hearing;
• The consequences of a finding, by a preponderance of the evidence, through the
  administrative hearing process that the maltreatment occurred;
• The fact that the offender has the right to be represented by an attorney at the offender’s
  own expense; and
• The name of the person making notification, his or her occupation, and the location at
  which he or she can be reached.

604 Administrative Hearings
The administrative hearing process must be completed within one hundred twenty (120) days
from the date the department receives the request for the hearing, unless waived by the
petitioner. [ACA 5-28-220(c)(1)]

When the department conducts such administrative hearings, the chief counsel of the
department is authorized to require the attendance of witnesses and the production of books,
records or other documents through the issuance of subpoenas when such testimony or
information is necessary to adequately present the position of the department or the alleged
offender in a report.

The APS Social Service Worker will prepare a Hearing Statement and attend all administrative
hearings involving cases he/she has investigated.
Section 700
PROTECTIVE CUSTODY
Revised: July 16, 2003

ACA § 5-28-219 (e)(1) directs that if before the investigation is completed, the APS Unit determines that the immediate removal of the maltreated adult is necessary to protect him or her from further maltreatment, the APS Unit may petition the probate division of circuit court for an order of temporary custody or may exercise a seventy-two (72) hour hold pursuant to ACA § 5-28-301.

ACA § 5-28-219 (e)(2)(B) directs that APS may petition the probate division of circuit court for an order of temporary custody for the purpose of having the adult evaluated, if, before the investigation is completed, the APS Unit determines that:
- The maltreated adult is in imminent danger of death or serious bodily harm;
- Available protective services have been offered to alleviate the danger and have been refused; and

The maltreated adult's capacity to comprehend the nature and consequences of remaining in the situation or condition cannot be adequately assessed in the home.

ACA § 5-28-301 (a)(1) designates the department or a law enforcement official as one of several entities given the authority to take a maltreated adult into emergency protective custody, if the circumstances or condition of the adult are such that continuing at their place of residence or in the care or custody of the parent, guardian or other person responsible for the adult's care presents imminent danger to their health or safety and the adult lacks the capacity to comprehend the danger of remaining in the situation. Additionally, any person in charge of a hospital or similar institution or any physician treating such an adult may take the person into emergency protective custody.

Filing a petition for protective custody is a major intrusion into a person's life and may only be exercised when all other alternatives have been exhausted and with the prior approval of an APS Supervisor or the APS Administrator.
Emergency Custody

Emergency custody is often the first step in the protective custody process. ACA § 5-28-301 (2) stipulates that emergency protective custody shall not exceed seventy-two (72) hours except in the event that the expiration of seventy-two (72) hours falls on a weekend or holiday, in which case emergency custody may be extended through the next business day following the weekend or holiday.

The following steps to secure protective custody of the endangered adult regardless of who exercises the initial emergency action:

✓ Contact an APS Supervisor or the APS Administrator to discuss the case and obtain prior approval to take emergency protective custody.

✓ Take action to remove the client from immediate danger and provide for his/her physical wellbeing. ACA § 5-28-301(a)(3)(A)(ii) authorizes the APS Social Service Worker to consent to having the maltreated adult transported by law enforcement or ambulance, if medically appropriate, even if the adult objects. No court order shall be required for such ambulance transport. (When an ambulance driver or company or law enforcement officer acts in good faith pursuant to this subdivision (a)(3), the immunity provision of ACA §5-28-215 shall apply. [ACA § 5-28-301(a)(3)(B)(i)])

✓ Take pictures when necessary to assist in justifying the probable cause at the preliminary hearing.

✓ Contact the OCC Attorney serving the client's county of residence to advise you have Supervisory approval to take emergency protective custody. The OCC Attorney is responsible for obtaining an ex parte order of emergency custody within seventy-two (72) hours. If the court grants the ex parte order of emergency custody, the OCC Attorney is responsible for setting a preliminary hearing to be held within five (5) working days to establish probable cause. Upon a finding of probable cause, the court may order temporary custody for up to thirty (30) days pending the hearing for long-term protective custody, unless the court extends the time upon a finding that extenuating circumstances exist. [ACA § 5-28-301(b)(c)]

✓ If applicable, make arrangements for the care of the client's pets. Contact relatives, neighbors, friends, local law enforcement, nearest Humane Society or animal shelter.

✓ Contact the client's physician to obtain a notarized written assessment of the client's medical condition and mental capacity.

✓ Fax a completed Custody Application Form (DHS 3318) to the Central Office and OCC Attorney. See a sample DHS 3318 at Appendix II.
✓ Prepare an affidavit (sample at Appendix III) outlining the facts of the case. The affidavit must be signed and dated by the Social Service Worker and notarized by a licensed public notary. The Social Service Worker is responsible for obtaining a copy of the filed marked affidavit for the client's desk file and central office file.

✓ Prepare for and appear at the preliminary hearing.

702 Temporary Custody
The period of time granted by the court for temporary protective custody should be utilized by the Social Service Worker to accomplish the following:

✓ Advise the OCC Attorney of the identity of all persons needed to testify at the long-term hearing so subpoenas can be prepared and issued.

✓ Arrange for an appropriate permanent placement if the client is in a temporary placement. If the client is in the hospital, the hospital social worker should assist in finding a suitable placement. As the client's state custodian, the Social Service Worker is responsible for completing all necessary admission paperwork and may be called upon to assist in applying for Medicare/Medicaid and/or SSI benefits.

✓ Follow through with any necessary or court ordered medical treatment, physical or psychological evaluations of the client. Medical personnel should be made aware their records/reports may be used as evidence in a court proceeding and must be notarized.

✓ Contact any known relatives, close friends or other responsible persons associated with the client to explore the feasibility of them becoming the client's guardian.

✓ Secure any clothing or personal items the client may want from their home. Any items removed from the client's home must be inventoried. Obtain the signature of the receiving party documenting delivery of the items.

✓ Obtain any additional information available to support the protective custody action taken, e.g., police records, bank records, medical records, etc.

✓ Gather information relative to the client's financial affairs for your court report. The client's financial status will establish the need for the appointment of a guardian of the estate. This issue must be brought to the attention of the OCC Attorney and addressed at the long-term custody hearing.

✓ Prepare a court report (sample at Appendix IV) and have it notarized. Date the court report the day it is signed by the Social Service Worker. Attach supportive documents.
✓ Prepare an affidavit (sample at Appendix III) outlining the facts of the case. The affidavit must be signed and dated by the Social Service Worker and notarized by a licensed public notary. The Social Service Worker is responsible for obtaining a copy of the filed marked affidavit for the client's desk file and central office file.

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✓ Obtain any additional information available to support the protective custody action taken, e.g., police records, bank records, medical records, etc.

✓ Gather information relative to the client's financial affairs for your court report. The client's financial status will establish the need for the appointment of a guardian of the estate. This issue must be brought to the attention of the OCC Attorney and addressed at the long-term custody hearing.

✓ Prepare a court report (sample at Appendix IV) and have it notarized. Date the court report the day it is signed by the Social Service Worker. Attach supportive documents.
✓ Confirm whether the client has a signed Advanced Directive or Living Will and obtain a copy of the document. The OCC Attorney must be notified of existence of the document so that the issue may be addressed by the court. Under no circumstances may the Social Service Worker sign or allow the approval of a doctor's order to do not resuscitate (DNR) the client unless the matter is specifically addressed and approved by court order.

✓ Confirm with the OCC Attorney whether or not the client is required to attend the hearing. If not otherwise excused from appearing, provide or make arrangements for the client to be transported to the court hearing.

✓ Be familiar with the materials and facts and be prepared to testify. Dress professionally and arrive for court early.

703 Long-term Custody
When an adult is ordered into the protective custody of the Department of Human Services, the APS Unit assumes the role of state custodian. This role includes, but is not limited to, the following responsibilities:

✓ Give notice to community agencies, landlords and utility companies that were providing services to the APS protective custody client. Notify the post office of the client's new address.

✓ If not already arranged, provide a copy of the long-term protective custody order to the Social Security office and request the facility be made payee for client. Follow through with making application for Medicaid and any other financial assistance the client may be eligible for.

✓ Act as client advocate to ensure the human rights and financial resources of the client are protected.

✓ Participate in the development of client treatment and care plans for permanent or temporary placement.

✓ Visit face-to-face no less than quarterly. Prepare a report of each visit on the Client Visit/Contact Record (See Appendix V) and forward a copy of it along with your Monthly Activity Report.

✓ Participate in quarterly care plan meetings.

✓ Maintain a comprehensive case file of the care and services provided. Control the confidentiality of the case file.

✓ Prepare court reports for semi-annual and annual reviews.
✓ Appear in court annually to offer justification for continuance of the protective custody order.

✓ Prepare incident reports as required by DHS policy guidelines and Section 900 of the APS Operations Manual.

✓ Notify your Supervisor and the OCC Attorney in writing in the event the client moves from one nursing home to another.

704 Custody Client Logs
The Social Service Worker will maintain a Custody Client Log (Appendix VII) as a reminder of their responsibilities for the custody clients on their caseload. This log reflects quarterly custody client visits, narrative submission dates, court report preparation and submission dates and annual review court dates. This log confirms the Social Service Worker is current with all custodial responsibilities and will be used by the Program Supervisors and Administrator to assess job performance and accountability.

705 Court Ordered Services
Where there are services available to remedy the imminent danger to the endangered adult, the court may order the endangered adult or the caregiver for the adult to accept services in lieu of placing the adult in protective custody. For example, the court may order compliance with medication or order the caregiver to pay for in-home services and other medical treatment. The petition may be filed alternatively or in combination with a petition for protective custody.

When this occurs, the order will specify the services ordered and a time frame for the Department to monitor. Unless otherwise specified by the court, the Social Service Worker will:

✓ Conduct a face to face visit with the client at least quarterly. This does not preclude the Social Service Worker from seeing the client more frequently.

✓ Prepare a report of each visit on the Client Visit/Contact Record and forward a copy of it to Central Office.

✓ Have monthly contact with the agency or caregiver(s) providing ordered services.

✓ Keep a record of who is contacted, when the contact was made and any changes reported by the provider.

✓ If there is any indication the client and/or caregiver is in non-compliance with the court order, a face to face visit with the client/caregiver must be made immediately. A report of the Social Service Worker's findings will be made to the APS Supervisor and OCC Attorney.
✓ Prepare a report for the court every six months and attend the annual review hearing.

✓ Transport the client or insure transportation is available to the hearing.

706 Dismissal of Custody
Dismissal of long-term protective custody may be recommended in the following instances:

- A less restrictive alternative has been secured for the client.
- The client's condition improves and they regain capacity.
- A guardian of the person has been appointed by the court.
- The client dies.
The Social Service Worker must secure the approval of their APS Supervisor or the Program Administrator prior to requesting an order of dismissal when the recommendation is being made for any reason other than death of the client. A written request for dismissal of custody will be forwarded to the OCC Attorney and a copy forwarded to the Central Office.

707 Statutory Restrictions
As stipulated by ACA § 5-28-306(g)(1)(A)(B)(C), placement may not be used to circumvent involuntary placement of an adult in need of acute psychiatric treatment, or alcohol or drug abuse treatment. Additionally, protective placement ordered under this section does not apply to domestic abuse of mentally competent adults and shall not be for the sole purposes of consenting to the adult's medical treatment.

708 Custody client Files
The APS Administrative Assistant will maintain custody files for the APS central office. The custody information will be stored in four-part folders. **Forward a copy of any and all court reports, court orders, and narrative to the Central Office.**

Folders are to be organized in the following order:

<table>
<thead>
<tr>
<th>Part One:</th>
<th>Part Three:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original Referral</td>
<td>Legal Correspondence</td>
</tr>
<tr>
<td>Custody Application Form(s)</td>
<td>Misc. Correspondence/Memorandums</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part Two:</th>
<th>Part Four:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Orders</td>
<td>Case Notes/Narrative</td>
</tr>
<tr>
<td>Legal Documents (Affidavits &amp; Court Reports)</td>
<td></td>
</tr>
</tbody>
</table>
Section 800
COURT REPORTS
Revised: July 16, 2003

Court reports are a vital component in processing protective custody clients through the court system. The APS Social Service Worker is required to prepare reports presenting clear and convincing evidence relative to the case and recommending the least restrictive option for the client.

801 Court report outline
The contents of the court report should be to the point and factual. The report should not include feelings, opinions or beliefs. Make no statements alluding to the client’s attitude toward you. Likewise, your thoughts about the client are irrelevant and may appear prejudicial. Avoid judgment statements.

A court report should not be more than two pages in length and must be printed on plain bond paper. The Court Report will be dated with the date the Social Service Worker prepares the report. The following is a sample of the format to be used for all court reports:

HEADING (All Caps and Centered as Indicated)

CASE HEAD DATA

A. Opening Statement
Address the purpose of the court report. "The following review is submitted to assess the status of the (emergency, temporary, long-term) custody of (Client's Name) by the Department of Human Services under AR Code Ann 5-28-101 et. seq."

B. Case History
- Referral Information,
  Brief description of the referral information, to include:
  • WHEN the Intake Report was received.
  • WHO was responsible for the alleged maltreatment.
  • WHERE the incident occurred and WHERE the client is residing at the time the report is being prepared.
• WHAT is preventing the client from self care.
• WHY does the client require custodial support.
  
  Do not name the person/agency who made the referral.

☐ Home Situation
  Brief description of the condition of the client’s home.

☐ Diagnosis
  Provide the client’s diagnosis and their prognosis, if available. Attach a notarized affidavit from the client's physician.

☐ Finances
  Description of the client’s financial situation. Indicate the need for appointment of a guardian, if appropriate.

C. Family
  List all known relatives including their address and telephone number, if available. Indicate any willingness of family to assume guardianship or provide support. Any changes of address should be brought to the attention of the OCC Attorney before the hearing.

D. Current Status
  Name and address of the facility where the client is residing at the time of the report.

E. Closing Summary
  Your recommendation to the court should include a succinct unimpassioned statement of why the client should be placed or continue in the protective custody of the Department of Human Services.
Section 900
INCIDENT REPORTING
Revised: July 16, 2003

The Department has established procedures for prompt reporting and handling of serious incidents that may affect the health and safety of DHS clients, employees, volunteers and visitors. The intent of the policy is to ensure that all appropriate agencies and the Director's Office are notified of incidents and to provide a mechanism for initiating a review by proper authorities, if necessary.

As state custodians, APS Social Service Workers are responsible for reporting all applicable incidents involving a custody client. As DHS employees, all APS staff members are responsible for reporting all incidents the department has defined as applicable in DHS Policy 3002.

901 Incidents to be Reported

- **Significant Injury:** Any injury that requires the services of an EMT, paramedic or physician.

- **Death:** The death of a custody client.

- **Serious Injury:** Any injury which may cause death or is likely to result in substantial permanent impairment.

- **Suicide:** Threaten, attempted or successfully executed.

- **Arrest or Conviction:** Of a custody client or a DHS employee while on duty or for any job-related action.

- **Absence/Elopement/Removal:** Any situation where the location of a custody client is unknown and cannot be determined within two (2) hours.

- **Any Crime** committed at a DHS office, institution or facility.
- **Abuse:** A situation posing imminent risk of death or bodily harm; assault, battery, sexual abuse or a willful or negligent act which results in physical or psychological injury inflicted by **other than accidental** means. This includes any type of mistreatment by institutional staff and incidents thought to be the result of poor supervision or neglect.

- **Disturbances:** Any unusual situation in which a DHS custody client, employee or member of the general public engage in threatening or disruptive behavior of such a nature that it causes fear of imminent injury, or the possible destruction of state property or personal property of others.

- **Property Destruction** which results in loss of: 1) state property exceeding $100.00 value; 2) client property in excess of $25.00 value or 3) destruction of any significant property of others.

**902 Special Reporting Requirements**
Incidents involving suicide, death from adult abuse, maltreatment or exploitation or serious injury must be reported to the DHS Chief Counsel within one hour of occurrence, regardless of the hour. The Social Service Worker must immediately notify an APS Supervisor or Administrator when they are made aware of an incident of this caliber. The APS Supervisor or the APS Administrator will report the incident to the Chief Counsel.

The DHS Communications Director must be notified within one hour of any incident that could potentially receive media attention. The Social Service Worker must immediately notify an APS Supervisor or the APS Administrator when they are made aware of an incident that is receiving or could generate media attention. The APS Supervisor or the APS Administrator will contact the Communications Director.

**903 General Reporting Requirements**
Contact APS Supervisor via telephone as soon as you are aware of incident. An IRIS report is to be made and transmitted to the Program Administrator and the DHS Client Advocate within two working days of the incident or notification of the incident.
The Social Service Worker should diligently seek a relative, friend or volunteer to serve as guardian for an incapacitated client. Obtaining a guardian for an endangered client is a less restrictive option than state custodial care.

An incapacitated adult is one who is impaired by reason of a disability to the extent of lacking sufficient understanding or capacity to make or communicate decisions for safety, self-care, or financial management. Disabilities may include mental illness, mental deficiency, physical illness, chronic use of drugs, or chronic intoxication. [ACA § 28-65-101(1)]. The number of hours used in obtaining a guardian should be recorded and must be reported in the Case Summary Report.

1001 Statutory Requirements
Qualifications to become a guardian are [ACA § 28-65-203]:

- A natural person who is a resident of this state, eighteen or more years of age, of sound mind, not a convicted and unpardoned felon, is qualified to be appointed guardian of the person and of the estate of an incapacitated person.

- A Corporation authorized to do business in this state and properly empowered by its charter to become guardian is qualified to serve as guardian of the estate of an incapacitated person.

- A bank or similar institution with trust powers may be appointed guardian of the estate of an incapacitated person.

- No person whom the court finds to be unsuitable to perform the duties incident to the appointment shall be appointed guardian of the person or the estate of an incapacitated person.

- No sheriff, clerk of a probate court, or deputy of either, nor a probate judge, shall be appointed guardian of the person or the estate of an incapacitated person unless the incapacitated person shall be related to him within the third degree of consanguinity.
No public agency or employee of any public agency acting in his official capacity shall be appointed guardian of the person or estate of an incapacitated person.

No employee of a public agency which provides direct services to the incapacitated person shall be appointed guardian of the person or the estate of an incapacitated person.

No employee of a public agency which provides direct services to the incapacitated person shall be appointed as a temporary guardian.

A person may be appointed temporary guardian of an incapacitated person notwithstanding any of the restrictions of the statute if they are related to the incapacitated person within the third degree of consanguinity and the court determines that any potential conflict of interest is unimportant and the appointment is in the best interest of the person.

1002 Petition for Guardianship (ACA § 28-65-205)
The appropriate OCC Attorney or in most cases a private attorney must petition the court on behalf of the individual seeking appointment as guardian of an incapacitated person. The court will decide if the alleged endangered person meets the statutory requirements for requiring a guardian. The court will also determine if the individual seeking guardianship meets the qualifications. If the endangered adult has an estate the court may require the party petitioning to be appointed guardian to obtain a bond in the amount of the estate prior to issuing the order.

The petition must contain the following information regarding the incapacitated adult:

- The name, age, and street address and city of the client's residence.
- The nature of incapacity and purpose of the guardianship sought in accordance with ACA § 28-65-104.
- The approximate value and a description of the person's property, including any compensation, pension, insurance, or allowance to which the person may be entitled.
- Whether there is a guardian of the person or estate in any other state.
- The residence and if applicable, the post office address of the person whom petitioner asks to be appointed guardian.
- The names and addresses of any known persons most closely related by blood or marriage to the incapacitated person.
- The name and address of the person or institution having the care and custody of the person.
- The name and addresses of wards for whom the person seeking appointment is already guardian.
- The reasons why the appointment of a guardian is sought and the interest of the petitioner in the appointment.
- A notarized medical statement of the respondent's alleged disability.
- A recommendation proposing the type, scope, and duration of guardianship.
- A statement that any facility or agency from which the respondent is receiving services has been notified of the proceedings.
- The names and addresses of others having knowledge about the person's disability.
1003 Temporary Guardianship
When the court finds there is imminent danger to the life, health, or safety of a person because they lack the capacity to understand the condition or situation, the court may appoint a temporary guardian. A guardian of the estate can be appointed when there is evidence of loss or waste of property caused by the client. The court may appoint a temporary guardian, with or without notice, of a person to care for an incapacitated adult who is endangered. This temporary guardianship is not to exceed 90 days. (ACA § 28-65-218)

1004 Role of
✓ The Social Service Worker will advise the potential guardian to contact a private attorney and provide technical assistance when needed when funds are available.

✓ The Social Service Worker will request a petition for temporary guardianship when no funds are available by:

- Locating a suitable guardian.
- Preparing a written report containing pertinent information regarding the referral and outlining the need for temporary guardianship.
- Forwarding the report to their Supervisor for review and forwarding to the Office of Chief Counsel (OCC). OCC will review the report and approve and prepare the petition for temporary guardianship or deny request with explanation for denial.
- Working with the OCC Attorney as needed to prepare the petition to the court. This includes being available to present information to the court.

✓ The court may request DHS assistance in obtaining evaluations regarding a respondent’s mental and physical condition (ACA § 28-65-212(d)(1)).

➢ Upon receipt of a court order for an independent evaluation, a referral will be registered in the central registry.

➢ Once registered, the Social Service Worker will arrange for a consultation with a physician, licensed psychologist, or licensed certified social worker with training, experience, and knowledge of the disability to perform the independent evaluation.

➢ The evaluation shall include the following:
  - Client’s medical and physical condition.
  - Client’s adaptive behavior.
  - Client’s intellectual functioning.
  - Recommendations for appropriate assistance.
  - Recommendation of least restrictive alternative of living available.
➢ The Social Service Worker will obtain an original notarized report of the evaluation and an affidavit from the professional consulted. The original will be given to the court and copies will be provided to OCC and the appropriate Supervisor.

➢ If the petition is granted, the cost of this independent evaluation will be borne by the estate of the incapacitated person. If the petition is denied, the cost of this independent evaluation will be borne by the petitioner.
The Social Service Worker will maintain a log (Appendix VIII) of all cases assigned and will attach a copy of the log to their Monthly Activity Report (MAR) each month. Items listed on this log include information necessary for completing the MAR as well as other information that will be helpful identifiers in daily work.

The Central Registry is a computerized database of all referrals assigned, active cases, cases closed and custodial cases. All data recorded in the Central Registry is considered official. As with any automated system there will be discrepancies. It is the Social Service Worker's responsibility to facilitate correction of the discrepancies by notifying their Supervisor of what information is inaccurate; otherwise, the Social Service Worker will be held accountable for cases reflected as being their responsibility in the official database. The case log is a helpful tool for these purposes and an excellent measure of accountability that will be used by the Program Supervisors and/or Administrator.

1101 Completion of the SOCIAL SERVICE WORKER Referral Log
The Social Service Worker shall list in the appropriate space the:

- Month
- Case Number
- Client's Name
- County of residence
- Referral Date
- Date Seen by the Social Service Worker
- Alleged perpetrator's Name
- Alleged perp's Relationship to Client
- Type of Abuse
- Client's Sex
- Race of Client
- Age of Client
- Validity of the Allegations Received
- Date Submitted for Closure
1201 Monthly Activity Report
The Monthly Activity Report (MAR) quantifies the workload and is used to determine equitable distribution of assigned territories. The MAR protects the Social Service Worker by documenting the work produced and will be used as one form of accountability. Additionally, information taken from the MAR is used for demographic statistics and research projects on state and national levels.

The Social Service Worker will complete their MAR for the preceding month no later than the fifth working day of each month. The Supervisor, Administrator and Administrative Assistant will be notified via email that the MAR is ready for review. The Social Service Worker must fax a copy of their Referral Log and Custody Log to the Supervisor as supporting documentation.

1202 Information Requirements

- Investigations:
  - Total Referrals
    Number of referrals assigned to you during the month reported.
  - Cases submitted for closure for the month
    Number of cases submitted to APS Supervisor for review.
  - Open cases at the end of the month
    Number of cases being actively worked or not yet submitted for review.
  - Extensions requested this month:
    Cases opened beyond thirty (30) days for which additional time was requested.
  - Cases Referred to:
    Indicate agency or resource referrals were made during the report month

- Custody Review
  - Number of custody clients start of month
  - Number of custody clients taken this month (provide name)
  - Number of custody clients dismissed this month (provide name)
  - Number of custody clients at the end of the month
Activities of the Month
✓ In Service (given or attended)
✓ APS Staff Meeting
✓ Conference
✓ Health Fair
✓ Staffing
✓ Presentation
✓ Classes
✓ Seminar
✓ Lunch’n’Learn

1203 Travel Reimbursement
Mileage claims are subject to Legislative Audit. APS Social Service Workers are responsible for maintaining documentation to support mileage claimed. It is recommended you complete your TR-1 on a daily basis or maintain daily mileage logs of some type.

Unless submitted prior to the MAR deadline, TR-1s must be submitted along with the corresponding Monthly Activity Report.
Section 1300
Contingency Coverage
Revised: July 16, 2003

When a Social Service Worker has approved leave of 3 days or more other Social Service Workers will cover their assigned territory. An email outlining the dates and county assignments will be sent by an APS Supervisor or Administrator to the Social Service Workers responsible for contingency coverage.

1301 Leave Request
Each Social Service Worker will request leave as much in advance as possible but no later than one week prior to the leave period being requested.

♦ Holiday Plus Leave
Requests for leave over holiday periods (Easter, Memorial Day, Independence Day, Labor, Thanksgiving, and Christmas) must be made far enough in advance to schedule and give notice for contingency coverage. Leave requests will normally be honored on a first submitted first approved basis. Consideration of previous leave taken and contingency coverage may be a factor in leave approval.

♦ Sick Leave
The APS Program Supervisor or Administrator must be notified when the Social Service Worker is requesting to use sick leave. Telephone contact is sufficient for notification; however, this contact must be made with Supervisory staff. Emergency referrals will be assigned to another Social Service Worker.

1302 Case Responsibility
The Social Service Worker has total responsibility for all referrals assigned them. The client’s county of residence does not negate this responsibility. All referrals assigned as a result of contingency coverage must be investigated and submitted for closure by the Social Service Worker to whom it is assigned.

Request for case transfers must be submitted in writing by the assigned Social Service Worker to their Supervisor on the returning Social Service Worker’s first day back at work. Reassignment of any case is the sole discretion of the APS Supervisor, or the Administrator in their absence, and will be considered on a case-by-case basis. Failure to meet the deadline is justification to deny the request.
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<thead>
<tr>
<th>Primary Social Service Worker</th>
<th>Contingency Social Service Worker</th>
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<tr>
<td>Counties</td>
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<tr>
<td>Pam Wilcox (Area #1)</td>
<td>Mary Strain</td>
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<td>Jim Purdom</td>
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<td>Benton, Carroll, Madison</td>
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<td>Boone, Newton</td>
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<td>Joe Adams</td>
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<td>Cindy Sorrells (Area #6)</td>
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<td>Sebastian</td>
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<td>Franklin</td>
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<td>Pope, Perry</td>
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<td>Yell</td>
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<td>B. J. Vaughn (Area #8)</td>
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<td>Jim Purdom</td>
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<td>Brady/Lockhart/Zeiler</td>
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<td>Sandy Duncan (Area #9)</td>
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<td>Joe Adams</td>
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<td>White, Cleburne</td>
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<td>Jackson</td>
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</tbody>
</table>
Sherry Scott  
(Area #10)  
Joe Adams  
Area #15  
Sandy Duncan  
Poinsett  
Crittenden, St. Francis  
Cross, Woodruff  

Terri Teel  
(Area #11)  
Phil Phillips  
Gwen Fort  
Darren Jeanneret  
Ida Johnson  
Montgomery  
Howard, Sevier  
Scott, Polk  
Pike  

Phil Phillips  
(Area #12)  
Terri Teel/Ann Zeiler  
Garland  

Ann Zeiler  
(Area #13)  
Pulaski Social Service Workers  
Phil Phillips  
Ida Johnson  
Saline  
Hot Spring  
Clark  

Lockhart/Brady  
(Area #14)  
Whoever is not on leave for Pulaski  
Pulaski  

(Area #15)  
Sandy Duncan  
Sherry Scott  
John Hadley  
Lonoke, Prairie  
Phillips, Lee  
Monroe  

Gwen Fort  
(Area #16)  
Ida Johnson  
Terri Teel  
Lafayette, Miller  
Little River, Hempstead  

Ida Johnson  
(Area #17)  
Terri Teel  
Gwen Fort  
John Hadley  
Carla Lampkin  
Nevada  
Ouachita, Columbia  
Dallas, Calhoun  
Union  

John Hadley  
(Area #18)  
Carla Lampkin  
Ann Zeiler  
Jefferson, Cleveland  
Arkansas, Lincoln  
Grant  

Carla Lampkin  
(Area #19)  
Ida Johnson  
John Hadley  
Bradley, Ashley  
Dessa, Drew, Chitcot
Section 1400
On-Call

Revised: July 16, 2003

In accordance with ACA § 5-28-217, APS maintains a dedicated statewide telephone number (Hot Line) for reporting of adult abuse, neglect, and exploitation. Social Service Workers will be assigned on-call duty after business hours, on weekends, and holidays to insure 24-hour Adult Protective Services coverage. An on-call duty roster will be prepared quarterly by the APS Central Office and distributed to all APS staff.

1401 On-call Schedule
The rotation schedule for the on-call duty will follow this stated order:
Gwen Fort
Sandy Duncan
Mary Strain
Jim Purdom
John Hadley
Pam Wilcox
Tina Douglas
Phil Phillips
Carla Lampkin
Sherry Scott
Cindy Sorrells
Area 15
B.J. Vaughn
Joe Adams
Darren Jeanneret
Ida Johnson
Ann Zeiler
Donna Brady
Robin Lockhart
Terri Teel

and be repeated every twenty weeks. Leave time during scheduled on-call duty may be negotiated with other APS Social Service Workers after approval of Supervisor. The standard on-call schedule will not be adjusted to accommodate duty switches or holidays.
The week of on-call duty assignment begins at 4:00 p.m. Monday and ends the following Monday at 8:00 a.m. On Monday holidays the new on-call duty Social Service Worker will assume responsibility at 4:30 p.m.

SOCIAL SERVICE WORKER scheduled for on-call duty will notify the APS Supervisor or Administrator if they become ill, or for any other reason are unable to fulfill their on-call responsibility.

The SOCIAL SERVICE WORKER is responsible for keeping the APS Central Office informed of any telephone number changes to insure seamless coverage.

1402 On-Call Duties

The on-call SOCIAL SERVICE WORKER is to be available to the answering service after office hours.

The answering service will call the SOCIAL SERVICE WORKER on-call when a call requires immediate APS attention and cannot be held until the next business day.

The SOCIAL SERVICE WORKER will call reporter to determine if situation is an emergency requiring immediate action.

When an individual is in danger or emergency custody is appropriate, the SOCIAL SERVICE WORKER will contact law enforcement in the area endangered adult is located and seek assistance. The SOCIAL SERVICE WORKER will contact Supervisor or Administrator to advise if 72-hour hold is taken.

The SOCIAL SERVICE WORKER will prepare an Intake Report (DHS Form 3310) on all referrals received and fax to APS Central Office by 9:00 a.m. the next workday.

1403 On-Call Log

The SOCIAL SERVICE WORKER will maintain a detailed telephone log (Appendix X), and accurately record:

- The name of the person called and their telephone number.
- The time the phone call began.
- A detailed account of the conversation, including any advice given.
- The time the phone call ended.
- Whether or not an Intake Report was completed.
- The time the Intake Report was faxed to the Central Office.
On-call log sheets will be faxed to the APS Central Office by 8:30 a.m. the following workday. The original log sheets for the entire week will be mailed to the APS Supervisor on Monday morning following on-call duty. Comp-time earned by the SOCIAL SERVICE WORKER while on-call will not be approved without accurate log sheets validating the time being claimed.

1404 Answering Service
The SOCIAL SERVICE WORKER on-call is responsible for handling all calls referred to them. The contracted answering service has no authority to screen calls, return calls or give advice. The SOCIAL SERVICE WORKER may not give the contractor instructions without the expressed permission of an APS Supervisor or the APS Administrator. Any problems associated with the answering service should be addressed in the on-call log.
The purpose of the department's time keeping policy is to ensure that all DHS divisions/offices keep adequate records for time worked as required by the Fair Labor Standards Act. APS Social Service Workers and Central Office Staff are required to accurately record time worked on the DF & A Weekly Time Sheet (Appendix XI) each week. Weekly Time Sheets must be forwarded to the Supervisor via fax or email each Thursday, no later than 9:00am.

1501 Weekly Time Sheet Instructions

Part I Identification
☐ Employee's Name: Enter your name
☐ Personnel number: Enter your personnel number
☐ Business Center: Enter 417015-Cost Center
☐ Data Entry Period: Enter Week Beginning Date and Week Ending Date

Part II Time Worked

Enter A/A type worked. A/A codes can be found on the Weekly Time Sheet Form. Enter time worked each day to include a 30 minute lunch. Ex. 8:00 to 12:00, 12:30 to 16:30. Each week must total 40 hours to get paid for 40 hours. Be sure to include any leave taken or compensatory time earned. Submit a Request for Leave (Appendix XXII) or Authorization to Work Overtime Form (Appendix XXI) to your supervisor as needed.

Type/Sign, date and forward the completed form to the appropriate APS Supervisor or Administrator and cc Time Administrator for review and approval. When all required information and supporting documentation is provided, the Supervisor will sign and date the form and forward it to the Time Administrator for keying the data.

1502 Daily Schedules

The Social Service Worker will email Supervisor and copy daily schedule to the Intake Worker and APS Administrative Assistant each morning by 8:30. The Social Service Worker will email intended whereabouts and the referral number of the case(s) to visit. If the Social Service Worker does not plan to leave from their county office, he/she must email the Supervisor the day before. The Supervisor, Intake Worker or Administrative Assistant must
be notified of all changes to the daily schedule as they occur. This is a safety issue, as well as a process of monitoring each worker’s daily activity.