**Federal Proposed Rule for APS Regulation of State Programs and Discriminatory Impact on Older Victims of other financial/cyber crime.**

On September 12, 2023, the US Administration for Community Living issued the first Notice of Proposed Rulemaking for Adult Protective Services (a summary is provided at  [https://acl.gov/APSrule](https://r20.rs6.net/tn.jsp?f=001VsoyfDTG3J7Shz4tGOXl1ex1iO04EQoAdXYoPCrlXTNRvrKz89xpXGFLX3qiv6jYd5mqlZiXWN2mJzDtB4BMopu3iSogVvP_D8P3DLC3qlWPwCL9KaX50soQAUvuIV9_3kElPwaJo492RMQzT2cXAA==&c=UupnUwYIWyNNSHeovDy-rVtPljMCPF9TcciERjgFsnzfdrk1-lRzIw==&ch=LVS6WHKiypo5aUP2VDNqBUZehyOi9wOwMYeX9MQV-D3eC9Y9HH9-mg==)).

This proposed rule would establish the first-ever federal regulations for APS programs, to ‘promote consistency and quality across the country’. The proposed rule would only require APS involvement in each state in those cases in which there is a ‘trust relationship’ between the perpetrator/s and the victim. This is interpreted as “the rational expectation or belief that a relative, friend, caregiver, or other person with whom a relationship exists can or should be relied upon to protect the interests of an adult (as further defined) and/or provides for an adult’s care. This expectation is based on either the willful assumption of responsibility or expectations of care or protection arising from legal or social conventions.”

Under this definition (and this has been verified with NAPSA experts) APS would not be required to have complaints taken/investigations/assistance and referrals to resources provided to our older adults who are victims of transnational and other fraud, such as that done by investment advisors, certain real estate fraud, contractors, and others.

You can also read the proposed regulations and comment on the Federal Register Website at https://www.govinfo.gov/content/pkg/FR-2023-09-12/pdf/2023-19516.pdf

Please be sure to submit a comment on [regulations.gov](https://r20.rs6.net/tn.jsp?f=001VsoyfDTG3J7Shz4tGOXl1ex1iO04EQoAdXYoPCrlXTNRvrKz89xpXL9foV_RaR95sU_yaRM1AoFeTuG911Z0zoXxFJZ1FfOxPfZhgnVHNOV1GfmsXsVRRXSuCqNR7kj8XKeD2C3kIoj7YpXQXEW0ow==&c=UupnUwYIWyNNSHeovDy-rVtPljMCPF9TcciERjgFsnzfdrk1-lRzIw==&ch=LVS6WHKiypo5aUP2VDNqBUZehyOi9wOwMYeX9MQV-D3eC9Y9HH9-mg==)  ([https://www.regulations.gov/document/ACL-2023-0002-0001](https://r20.rs6.net/tn.jsp?f=001VsoyfDTG3J7Shz4tGOXl1ex1iO04EQoAdXYoPCrlXTNRvrKz89xpXL9foV_RaR95-X6h9MoDS3SmmflDVn6dEVhH8lj5d8aMC4QZ1zucpFU6Z0vkh87FWkDH7p4Pp8w6TKpLDw4rrvmXjbMqWt69XqIcK_BAy7jZNGpNNJgaJAKppscpgJrvUFpptks1fF-E&c=UupnUwYIWyNNSHeovDy-rVtPljMCPF9TcciERjgFsnzfdrk1-lRzIw==&ch=LVS6WHKiypo5aUP2VDNqBUZehyOi9wOwMYeX9MQV-D3eC9Y9HH9-mg==))

**How to submit a comment:**

1. Open the commenting webpage: [https://www.regulations.gov/document/ACL-2023-0002-0001.](https://r20.rs6.net/tn.jsp?f=001VsoyfDTG3J7Shz4tGOXl1ex1iO04EQoAdXYoPCrlXTNRvrKz89xpXL9foV_RaR95-X6h9MoDS3SmmflDVn6dEVhH8lj5d8aMC4QZ1zucpFU6Z0vkh87FWkDH7p4Pp8w6TKpLDw4rrvmXjbMqWt69XqIcK_BAy7jZNGpNNJgaJAKppscpgJrvUFpptks1fF-E&c=UupnUwYIWyNNSHeovDy-rVtPljMCPF9TcciERjgFsnzfdrk1-lRzIw==&ch=LVS6WHKiypo5aUP2VDNqBUZehyOi9wOwMYeX9MQV-D3eC9Y9HH9-mg==)
2. Click on the comment button.
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5. Identify how you would like to identify – this information will be available as part of the comment.
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