



Involuntary Services and Stabilization Unit

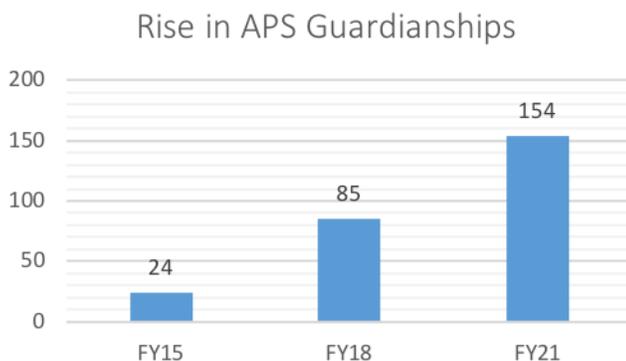
OKLAHOMA Human Services

Adult Protective Services (APS) within Community Living, Aging and Protective Services (CAP) has changed the name of the Guardianship Unit to the Involuntary Services and Stabilization Unit (ISSU), which more accurately defines its purpose.

Why has this change been made?

Over the past seven years, Oklahoma has seen a sharp rise in the number of APS guardianships. This rapid upward trend can be attributed to three fundamental causes:

- More vulnerable adults are in need of temporary guardianships,
- More courts are ordering guardianships without APS petition, and
- Guardianships are becoming considered long-term engagements



APS guardianships are, by law, designed to be temporary:

“Temporary guardian” means a person or other entity appointed by the court under Title 43A of the Oklahoma Statutes with authority only to consent on behalf of an incapacitated adult to the provision of protective services determined necessary to remove conditions creating an emergency need and other services approved by the court. A temporary guardian serves in that capacity only until the guardianship is dismissed by the appointing court.



APS leadership, to better understand the causal factors for an upward trend, conducted a landscape analysis of its temporary guardianships. The analysis reveals the following causal factors:

Oklahoma’s public guardianship statute is not funded. Public guardians function as long term caretakers for vulnerable adults. APS believes it is being asked to act in the absence of public guardians, resulting in orders to take actions in temporary guardianships that are not protective services. In addition, many temporary guardianships are becoming long-term guardianships because APS is acting as perpetual caretakers long after the conditions that created the emergency have been corrected.

APS is seeing an increasing number of referrals to assist with securing a pay source for long term care. These referrals often come from hospitals where a client who is incapacitated has no family or representative to sign applications for Medicaid, Social Security, etc. It is APS’s position that these referrals do not meet the statutory requirement of an “emergency need” and that more efficient pathways need to be pursued to secure a pay source for transition into appropriate permanent care settings.

The APS district in northeast Oklahoma created a guardianship unit, which may have had unintended consequences. APS knows that stakeholders in the northeast are aware that a special unit manages guardianships. It is possible that by creating a guardianship unit, APS unknowingly propagated the perception that any vulnerable person in need of a guardian or caretaker should be referred to APS.se

APS' decision to change the name of the Guardianship Unit to the Involuntary Services and Stabilization Unit (ISSU) is meant to address incorrect perceptions and help clarify its role.

The Role of the Involuntary Services and Stabilization Unit

Involuntary Services are a last resort and should only be used in emergency situations that may result in imminent harm to a vulnerable adult. Involuntary Services terminate the adult's right to self-determination and place APS in the role of managing and executing decisions on behalf of the client. Involuntary services can be ordered by the court within the following statutory guidelines:

- The vulnerable adult lacks capacity to consent to receive protective services and no consent can be obtained.
- OKDHS determines that a vulnerable adult is suffering from abuse, neglect, self-neglect,

or financial neglect or exploitation presenting a substantial risk of death or immediate and serious physical harm to the person or financial exploitation of the person's estate.

- The court shall authorize only that intervention which it finds to be least restrictive of the liberty and rights of such person, while consistent with the welfare and safety of the person.
- Only such protective services are necessary to remove the conditions creating the emergency shall be ordered.
- APS must have an approved placement. APS is completely reliant on the good will of long term care providers. Unfortunately, APS is oftentimes turned away when a client requires intensive care and treatment.



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The Involuntary Services and Stabilization Unit's primary goals in temporary guardianships is to address the conditions that created the emergency by ensuring the client is receiving an appropriate level of care and that their property and assets are protected from exploitation. Once the unit has met these goals, APS will petition the court for dismissal of the temporary guardianship.