



Frequently
Asked Questions
**ADULT
PROTECTIVE
SERVICES**

Adult Protective Services



Dear Oklahomans, caretakers, guardians or next of kin:

Oklahoma law requires Adult Protective Services (APS) to let you know we have received information that you, or an adult you care for, may need preventive or protective services. We are assessing this report to determine if services are needed.

Oklahoma law does not allow us to tell you who made the report, and since anonymous reports can be made, we may not know the person's name.

We help adults connect to the services they need to stay safely in their homes and communities whenever possible.

We hope this brochure will answer some of your questions. The APS specialist's name and phone number are at the back of this brochure.

Respectfully,

Jeromy Buchanan

Director, DHS Community Living, Aging, & Protective Services

What is Adult Protective Services?

Adult Protective Services (APS) is the program in the Department of Human Services that helps adults who need help taking care of themselves, and who may be experiencing abuse, self-neglect, or financial exploitation.

What happens when APS receives a report of possible abuse, neglect or exploitation?

Oklahoma law requires APS to investigate allegations of abuse, neglect or exploitation. A specially trained APS specialist will interview the person receiving care, the person providing care, and others who have information about the situation. Each interview will be private and confidential, as required by law. The APS specialist is authorized by law to take pictures and obtain written records. The APS specialist may involve local law enforcement if necessary, and local law enforcement may conduct its own investigation to determine if crimes have been committed.

What happens if the report is not true?

When an APS specialist investigates a case and concludes the report is not true, a letter is sent to the known caretakers, guardians and next of kin advising of the results of the investigation.

What happens if the APS investigator finds evidence to show the report is true?

The APS specialist will develop a plan with the adult who needs protective services. The APS specialist may also work with the caretaker, guardian or next of kin in developing the plan.

The purpose of every plan is to ensure vulnerable adults live safely with dignity and respect.

APS recognizes everyone needs help making decisions at least occasionally. Supported Decision Making (SDM) helps APS ensure the rights of vulnerable adults and is used to allow vulnerable adults to participate in decisions about their lives. The APS specialist collaborates with the person and trusted members of their support system, including family, friends, and neighbors, to help make decisions that are safe and ensure the person receives the assistance that is needed.

APS may petition the district court for a temporary guardianship to provide immediate involuntary services to preserve a person's life, health, or resources when the person is determined to lack the capacity to consent and the situation meets criteria required for involuntary services. For further information regarding involuntary services, contact the APS specialist.

If the court grants temporary guardianship, the APS specialist will inform the caretaker, legal guardian or next of kin how to contact the person, if contact is allowed by the court.

APS is required by law to report summary findings to the caretaker, legal guardian or next of kin. The local district attorney's office will receive a full report.

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What if the caretaker, guardian or next of kin disagrees with the service plan?

APS respects the right of every vulnerable adult to choose for themselves what services they will accept.

The court can order the caretaker, guardian or next of kin to allow the service plan to be implemented. The court can also restrict visitation if necessary.

If APS petitions the court for temporary guardianship, a caretaker, guardian or next of kin may voice their opinions and concerns to the judge at the court hearing.

What legal authority does APS have?

Oklahoma's Protective Services for Vulnerable Adults Act (Title 43A sections 10-101-112) requires the Department of Human Services (DHS) to make a prompt and thorough investigation of reports of alleged abuse, neglect and exploitation of vulnerable adults to determine whether the vulnerable adult wants or needs protective services.

The Act also requires DHS to provide services to those found in need of protection either on the basis of VOLUNTARY consent, or, if the adult is not legally able to give consent, by court order.

QUESTIONS YOU MAY HAVE ABOUT APS

Does APS make people go to nursing homes? Fact: Less than 3 percent of APS investigations result in a court order for nursing home placement.

Can APS make people go to facilities for the acutely mentally ill? Fact: Oklahoma law forbids this.

Can APS find services to meet all needs? Fact: APS will help connect you with available family, public and private resources.

Can APS make end-of-life decisions? Fact: APS is forbidden by law from obtaining a DNR order.

What is a vulnerable adult? Oklahoma law defines a vulnerable adult as an individual who is an incapacitated person or who, because of physical or mental disability, including persons with Alzheimer's disease or other dementias, incapacity, or other disability, is substantially impaired in the ability to provide adequately for the care or custody of himself or herself, or is unable to manage his or her property and financial affairs effectively, or to meet essential requirements for mental or physical health or safety, or to protect himself or herself from abuse, verbal abuse, neglect, or exploitation without assistance from others.

What if the caretaker, legal guardian, or next of kin have questions about their legal rights? Fact: The caretaker, legal guardian, and next of kin are entitled to seek legal counsel.

Do You Want More Information?

Your DHS county office can provide copies of policy. You can find the law by consulting an attorney, asking a law librarian for help, or through the Oklahoma Supreme Court Network website, www.oscn.net (Charges may apply).

If you have concerns or questions, please contact any of the following people:

APS Specialist: _____

Telephone Number: _____

APS Supervisor: _____

Telephone Number: _____

APS District Director:

☐ District 1 **Kimberly.Allison@okdhs.org**

☐ District 2 **Kerry.Wilson@okdhs.org**

☐ District 3 **Russell.Jones@okdhs.org**

If you have a concern about this investigation or your interaction with Adult Protective Services, you may file a complaint regarding the actions of APS by emailing the appropriate district director listed above.

Oklahoma law requires any person having reasonable cause to believe that a vulnerable adult is suffering from abuse, neglect or exploitation to make a report to either DHS or the local municipal police or the county sheriff. To report suspected abuse, neglect, self-neglect or exploitation of an adult to DHS, please call the 24/7 Toll-Free Abuse & Neglect Hotline,

800.522.3511

or report online at **AbuseisnotOK.org**



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