

ADULT PROTECTION ACT INFORMATION SESSION



Overview

Four Modules:

- Introduction
- Application and Service Principles
- Adult in Need of Protective Intervention
- General

MODULE ONE

Introduction

NEGLECTED ADULTS WELFARE ACT (1973)

An adult must meet all 4 of the following criteria:

- Incapable of caring properly for himself/herself due to a physical or mental infirmity;
- Not suitable to be in a treatment facility under the Mental Health Care and Treatment Act;
- Not receiving proper care and attention; and
- Refuses, delays, or is unable to make provision for proper care and attention for himself or herself.

Introduction

ADULT PROTECTION ACT (passed May 2011)

- Replaces the *Neglected Adults Welfare Act* (1973) and provides legislative authority for delivery of services to adults in need of protective intervention.
- Includes Regulations.
- The intent of the Act: To protect adults who are at risk of abuse and neglect, and who do not understand or appreciate that risk.

Introduction

ADULT PROTECTION ACT

Key changes with the new Act:

- Inclusion of abuse.
- “Capacity” versus “Competency”.
- Appointment of 4 Regional Directors.
- Three step process: Report, Evaluate and Investigate.
- Emergency intervention process (without warrant).
- Automatic referral to Public Trustee for financial management of adult declared in need of protective intervention.

Application and Service Principles

MODULE TWO

Application and Service Principles

- This Act applies to all NL adults meeting the criteria of an adult in need of protective intervention, regardless of living arrangement.
 - Adult in Need of Protective Intervention: lacks capacity and
 - a) is incapable of caring for himself/herself or refuses, delays, or is unable to make provision for adequate care and attention for himself/herself; or
 - b) is abused or neglected.
 - Living arrangements: include, but are not limited to, a private residence, personal care home, alternate family care home, hospital or long term care facility.

Application and Service Principles

Capacity:

An adult is able to understand information and decisions concerning his/her health care, physical, emotional, psychological, financial, legal, residential or social needs.

An adult is able to appreciate the reasonable foreseeable consequences of a decision or the lack of a decision.

All adults are presumed to have full capacity unless proven otherwise.

Application and Service Principles

- Self-neglect: the failure of an adult who lacks capacity to take adequate care of himself/herself where that failure causes - or is reasonably likely within a short period of time to cause - serious physical or psychological harm, or substantial damage to/loss of assets.

Application and Service Principles

- Abuse: the deliberate mistreatment of an adult who lacks the capacity to protect himself/herself that causes - or is reasonably likely within a short period of time to cause:
 - a) serious physical, psychological or emotional harm; or
 - a) substantial damage to/loss of assets, and includes intimidation, humiliation and sexual assault.

Application and Service Principles

- Neglect: the failure to provide care, assistance, guidance or attention to an adult who lacks capacity that causes - or is reasonably likely, within a short period of time to cause - serious physical, psychological or emotional harm or substantial damage to/loss of assets.

Application and Service Principles

- Every adult has the right to live his/her lifestyle of choice.
- The best interests of the adult must be at the center of all interventions.
- Every adult has the right to be involved in decision-making.
- Every adult has the right to the most effective but least intrusive forms of support.

Application and Service Principles

- Intervention should be specifically designed for the individual.
- Family ties and contacts should be preserved when appropriate.
- If an adult desires, he/she should be encouraged to obtain support/advice from family and friends in decision-making and assistance with communication.

Adult in Need of Protective Intervention

MODULE THREE

Adult in Need of Protective Intervention

Key Components

Report

Evaluate

Investigate (if necessary)

Assess Risk

Assess Capacity

Understand Court Procedures

Understand Emergency Intervention

Adult in Need of Protective Intervention

REPORTING

- **A report can be received by a regional health authority (RHA) social worker from acute care, long term care or the community support program, an RHA manager/director or a peace officer.**
- Legal obligation to report.
- No action against reporter who acts in good faith.
- Failure to report can result in fine and/or imprisonment.
- Level of risk is assessed initially and response is determined in accordance with the *Risk Continuum* guidelines.
- A report alleging abuse, neglect and/or self-neglect is recorded on the *Adult Protection Report Form*.
- Evaluation begins.

Adult in Need of Protective Intervention

RISK ASSESSMENT GUIDELINES AND CONTINUUM

Extremely High	High	Moderate	Low
Immediate response	Within 24 hours	Within 48 hours	Within 5 clear days
Physical injury that requires immediate medical attention (e.g., fractures, internal injuries, head trauma, burns); threats to harm the adult or oneself; danger to others; deprivation of food, shelter, heat or life saving medication; forced sexual acts; physical injury resulting from an “honour” crime; abandonment or homelessness; negative/no involvement from family/friends; appears to lack capacity.	Physical injury that results in pain or discomfort (e.g., beating, kicking, biting, force feeding); social isolation; unwarranted use of medication; threats to abandon or withhold food/money; withdrawal of essential care (e.g., assistance with incontinent care and meal preparation); negative/no involvement from family/friends; appears to lack capacity.	Threats of non-life threatening physical injury (e.g., bruising, slapping); verbal aggression; name calling; unwelcome sexual comments/jokes; not allowing access to bank accounts; not allowing religious or cultural practices; not reporting or taking action on a medical condition that is not immediately life threatening; inadequate home support services (e.g., no assistance with bathing or meal preparation); limited involvement from family/friends; appears to have capacity.	Lack of cleanliness; inadequate nutrition; inadequate bathing; forgetfulness taking medication; limited involvement from family/ friends; appears to have capacity.

Adult in Need of Protective Intervention

EVALUATING

- Social worker, who receives the initial report, completes the evaluation as follows:
 - Interview the report source (if possible).
 - Interview and/or observe the adult who may be in need of protective intervention.
 - Assess the level of risk - *Risk Continuum*.
 - Gather collateral information, with consent.
 - Complete the *Adult Protection Evaluation Form*.
- Decision:
 - a) have no further involvement;
 - b) provide professional/supportive services; or
 - c) proceed with investigation.

Adult in Need of Protective Intervention

INVESTIGATING

- Continue to assess risk.
- Refer to police, if criminal activity is suspected.
- Review records and gather information (consent is not required).
- Interview the adult who may be in need of protective intervention.
- Coordinate a capacity assessment (role of social worker, whenever possible).
- Decision:
 - have no further involvement;
 - provide professional/supportive services; or
 - complete a service plan and make an application to court for an order to declare an adult in need of protective intervention.

Adult in Need of Protective Intervention

CAPACITY ASSESSMENT

- Whenever possible the assessment is coordinated by a social worker.
- The best capacity assessment is a thorough one involving the adult (and spokesperson, if necessary) and a team of professionals.
- Capacity assessment includes:
 - Preparing for a capacity interview with the adult.
 - Conducting (a) capacity interview(s).
 - Gathering collateral information.

Adult in Need of Protective Intervention

COURT PROCEDURES

- Warrant/tele-warrant to enter.
- Order to conduct an investigation.
- Warrant to remove, if necessary.
- Application for a declaration that an adult is in need of protective intervention (provincial director of adult protection).
- Legal counsel for adult who may be in need of protective intervention.
- A declaration that an adult is in need of protective intervention (judge).
- Appeal the judge's order or refusal to make an order (adult).

Adult in Need of Protective Intervention

EMERGENCY INTERVENTION

- Immediate removal of the adult to a safe place without a warrant if there is reason to believe the adult's life or health is in imminent danger.
- Emergency medical intervention, if necessary.
- Assets/property immediately secured. This may be a responsibility assumed by the Office of the Public Trustee.
- Specific time frames are identified for seeking court orders following an emergency intervention.

MODULE FOUR

SERVICE PLAN

- Prepared by social worker following an evaluation and investigation.
- Updated by social worker when court orders have been made.
- Contains details of the services and programs required to reduce risk and meet the care needs of an adult who may be in need of protective intervention.
- Completed and reviewed with the adult whenever possible and, if applicable, his/her spokesperson minimally every six months and annually by formal review committee.

CONFIDENTIALITY

- The collection, use and disclosure of information under the Adult Protection Act may be subject to the *Personal Health Information Act* (PHIA) and the *Access to Information and Protection of Privacy Act* (ATIPPA).
- During the **evaluation**, the adult must consent before information can be gathered and shared.
- The Act allows a social worker to **investigate** without the adult's consent, if necessary.
- Access to information may be denied.

Contact Information

- Suzanne Brake
Director: Office of Aging and Seniors
Director: Neglected Adults
729-4957
- Carol Snelgrove
Policy and Training Specialist
729-4349