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Adult Maltreatment in Nevada, Challenges and
Opportunities to Improve System Response

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Agenda

1. Overview of Adult Maltreatment
2. Lifecycle of an APS Case
3. Data
4. Workforce Issues
5. Vulnerable Adult Protection Orders
6. Access Warrants
7. Elder Abuse Fatality Review Teams
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Types of Adult Maltreatment

- Abandonment
- Abuse:
 - Physical
 - Psychological
 - Sexual
- Neglect
- Exploitation
- Isolation
- Self-Neglect*

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Definitions

"Vulnerable person" means a person 18 years of age or older who:

1. Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or
2. Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

"Older person" is defined as a person 60 years of age or older.

NRS 200.5092





The Victims

- Persons over 80 years of age are 2 to 3 times more likely to be abused.
- Victims are likely to have dementia or cognitive impairment.
- Two thirds of the reports examined identify women as victims.

- The Center on Elder Abuse, Center of Excellence on Elder Abuse and Neglect 2011

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The Victims, continued

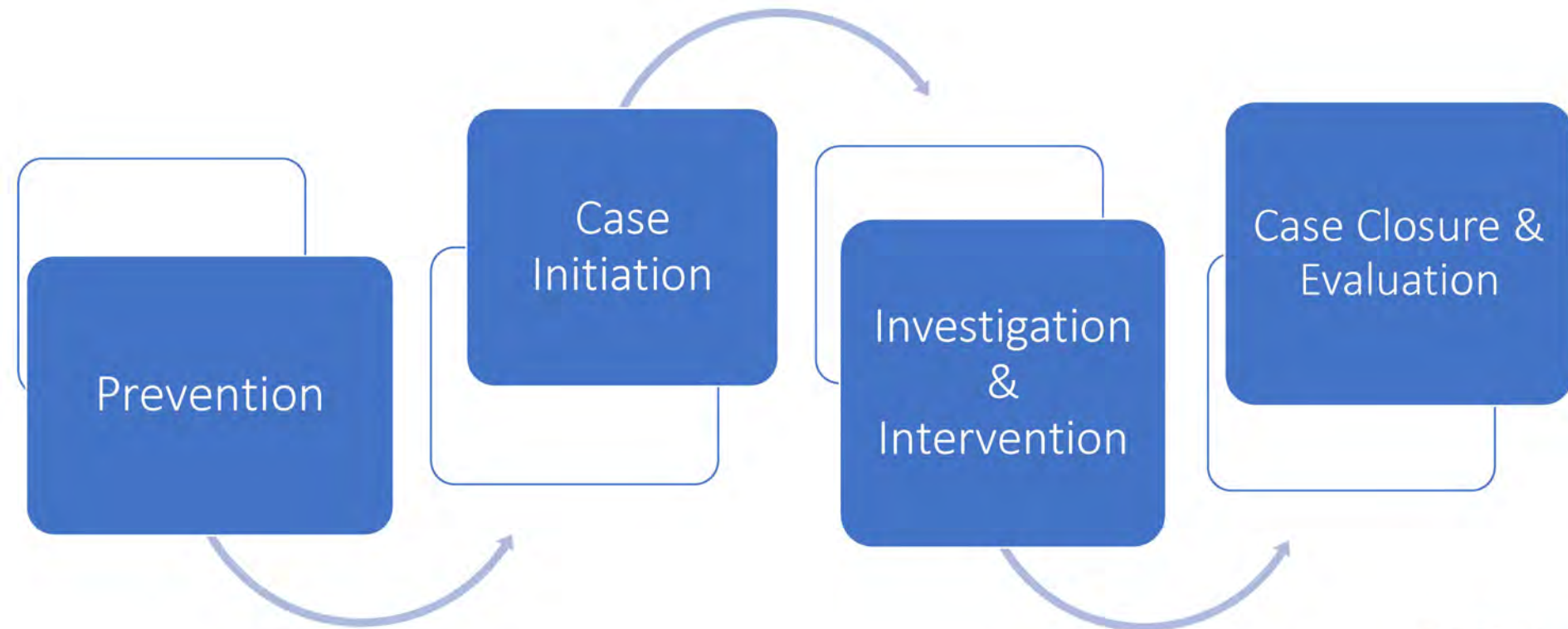
- People with Intellectual Disabilities/Developmental Disabilities (IDD) are more likely to be victims of a crime.
- Individuals with IDD are often taken advantage of and exploited.
- Often this is done by family, friends, and caregivers.
- More than 90% of people with developmental disabilities will experience sexual abuse at some point in their lives.

- "The Sexual Assault Epidemic No One Talks About", by Shapiro, Joseph (2018)

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Lifecycle of an APS Case



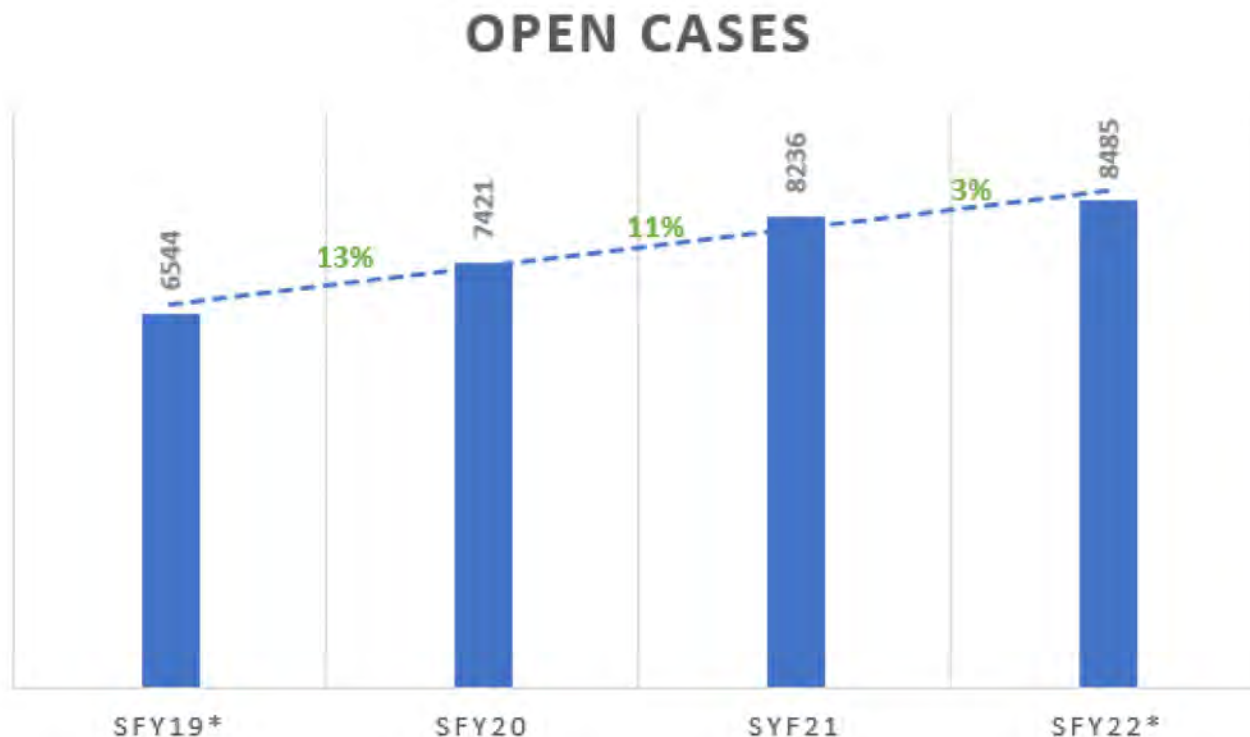


A Growing Problem

- Elder abuse has been referred to as a “hidden epidemic” in the United States, with estimates that one in 10 community-dwelling older adults experienced some form of abuse in the prior year
- Individuals with developmental disabilities are four to ten times more likely to be abused than their peers without disabilities
- [National Center on Elder Abuse \(NCEA\)](#)

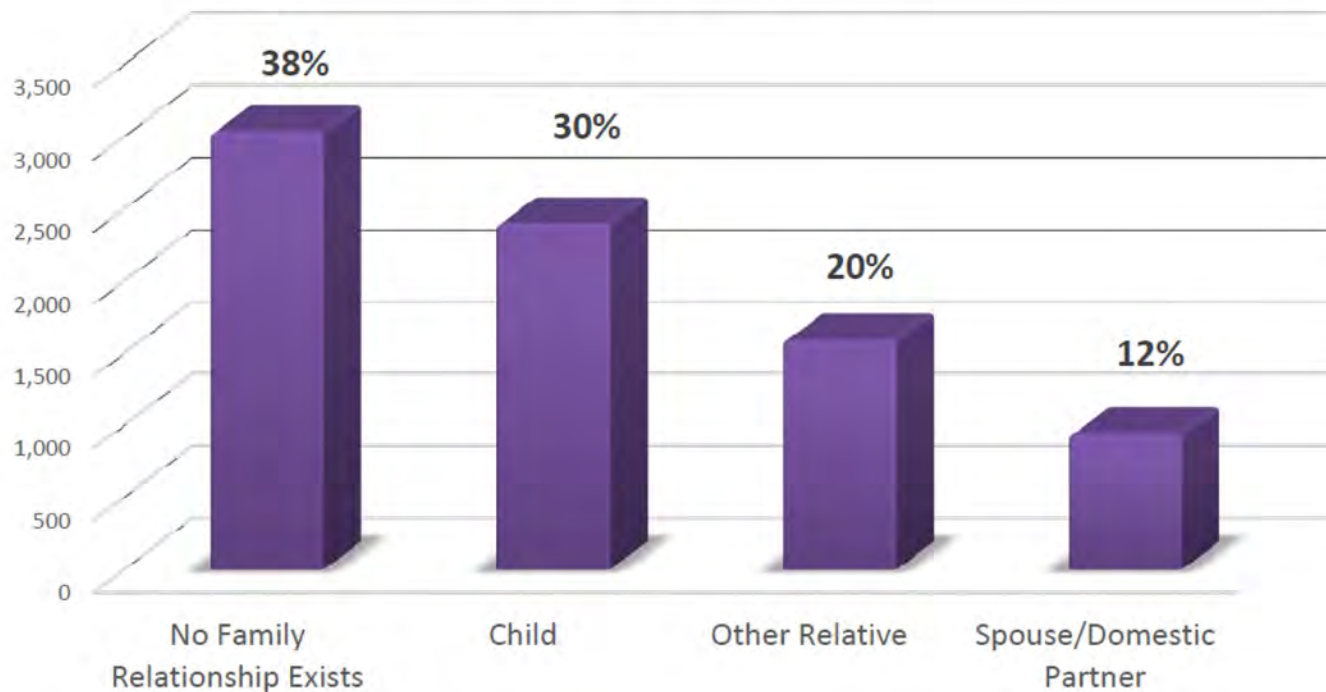
Caseload Increases

On July 1, 2019, the Adult Protective Services program (APS) began serving vulnerable adults 18-59, in addition to serving persons 60 years and older.



Persons of Interest (POI) Data

SFY 21 - Percentage of Vulnerable Adult Abuse by Persons of Interest (Excluding Self)





Workforce Issues

- Lack of Licensed Social Workers in the State
- Competitive compensation
- The nature of the work (field work vs office)
- Increasing cases statewide
- Higher caseload per worker
- Dangerous situations
- The vacancy rate statewide for APS Social Workers in May 2022 was 56% with the Las Vegas APS Social Worker vacancy rate of 60%.



Vulnerable Adult Protection Orders (VAPO)

Protection Orders in Nevada

- Existing law in Nevada provides for several types of protective orders under NRS Chapter 33
 - Domestic Violence protective orders
 - Specific relationship must exist to obtain domestic violence protection order as outlined under NRS § 33.018, for example:
 - a spouse or ex-spouse,
 - someone with whom the abuser has a dating relationship,
 - someone with whom the abuser has a child in common, etc.
 - any other person to whom the person is related by blood or marriage except siblings or cousins
 - Additionally, the conduct must meet the legal definition of domestic violence which includes assault, battery, strangulation, coercion, sexual assault, or a course of conduct geared towards harassment that can include such things as arson and burglary.
 - Stalking/Harassment
 - Do not need to be related
 - Physical harm, physical confinement, restraint
 - Sexual Assault
 - Protection of Children
 - Protection Against Harassment in the Workplace
 - Protection Order for High-Risk Behavior

Jurisdictional Survey

- Currently, approximately 18 states and territories have some form of protective order that provides relief to older persons and/or vulnerable adults.
 - Florida's "Exploitation Injunction"
 - California
 - Washington

Analysis of Jurisdictional Survey

- The law should contain the following elements
 - Broad definition of vulnerable adult (over 60 or meets criteria under NRS 200.4629)
 - Allow the vulnerable adult, guardian, or in limited circumstances Adult Protective Services to act as petitioner
 - Some states, such as Washington, allow any “interested person” to file a VAPO application. *RCW 74.34.110*
- Define judicial relief to include
 - Restraining conduct (abuse, neglect, abandonment, exploitation)
 - Restrain or prohibit physical access to a particular location
 - Restrain contact
 - Require an accounting
 - Restrain the transfer of property for a specified period
 - Any other proper judicial relief

Additional Considerations

- National Adult Protective Services Association (NAPSA) Recommendation
- Data Tracking: A specialized protection order will also facilitate data tracking historically very difficult in this population
- Allowing APS to act as petitioner builds upon existing partnerships with Legal Aid Service Providers throughout the state



Access Warrants

Case Example

- APS received a report of abuse from an apartment complex manager.
- Adult child living with her parent in the parent's apartment but was not on the lease.
- Intake report indicated that adult child was yelling at the client and intimidating her.
- When apartment staff would try to speak with the parent regarding the adult child living in the apartment and not on the lease the adult child would not allow her parent to come to the door.
- APS Social Worker attempted contact and was blocked by the adult child, who refused to let anyone into the apartment and would not let her parent come to the door.
- The adult child reported to the social worker that she knew her rights and did not have to let anyone have access to the apartment or her parent. She stated that her attorney had informed her of this after several welfare checks were called by the family. Social worker could see the client sitting in a chair in the kitchen, but the adult child would not allow anyone to gain access to the apartment. Law enforcement's non-emergency line was called, and patrol officers arrived at the scene.
- The adult child refused to let police into the home and police informed the social worker that without a warrant they could not force access as they could also see the client sitting at the table. Social worker made a referral to the local LE department's detective bureau regarding isolation and the case was not opened.

Introduction

- In Nevada, there is no current statute authorizing APS to petition for or obtain access warrants following denied entry to a premises or access to an eligible adult.
- Most jurisdictions have a mechanism for applying for and executing a warrant that allows APS to conduct investigations concerning reports about potential abuse, neglect, or exploitation of qualified adults.
 - Requires law enforcement involvement
 - Procedural and Due Process safeguards
 - U.S. Const. amend. IV.
 - APS must be denied access to a home/adult in the course of an investigation, show probable cause that the adult is subject to abuse, neglect, and exploitation, and involve law enforcement in the enforcement of the warrant.



Law Enforcement Perspective

- Early case intervention
- Maximizes law enforcement response
- Strengthens coordinated response

National Practices

- Reasonable Suspicion that the adult is subject to abuse
 - Haw. Rev. Stat. § 349-C-3
- Reasonable Cause
 - N.Y. Soc. Serv. Law § 473-C: 4
- Probable Cause
 - A.R.S. § 14-5310.01(A)(Arizona); Cal. Welf. & Inst. Code § 15755 (California); ID ST § 39-5305(5)(Idaho); KY Rev. Stat. Ann. § 209.030(6)(Kentucky); Me. Rev. Stat. Ann. Tit. 22 § 3483(1)(Maine); Miss. Code Ann. § 43-47-9(1)(Mississippi); Mo. Ann. Stat. § 660.270(Missouri); NDCC § 50-25.2-05(1)(North Dakota); G.S. 15-27.2 (North Carolina); S.C. Code § 43-35-45(A) (South Carolina);

National Practices, continued

- Allow access and not interfere with investigation
- Other
 - South Carolina – includes photographing the premises
 - North Carolina – Statute requires confidentiality of identity of the reporting party
 - New York – allows the police to be accompanied by others, such as nurses, if they are included in the warrant application

Recommendations

- APS has independent authority to apply for the warrant
- Probable Cause Standard
 - Majority of states, consistent with Nevada criminal matters
 - Denied or refused access
- Include language to enjoin the person in control of the premises from barring access or interfering in the investigation
 - Ensures APS can meet independently with the adult being abused without coercion or undue influence
- Execution of the warrant is in partnership with Law Enforcement and/or Peace Officer



Elder Abuse Fatality Review Teams (EAFRT)

What are EAFRTs?

- An Elder Abuse Fatality Review Team (EAFRT) examines deaths of individuals that may be caused by or related to elder or adult abuse with the goal of identifying system gaps and improving victim services. This focus makes EAFRTs unique among elder/adult abuse multidisciplinary teams and other cross-agency collaborations.
- Can apply to older adults and persons with disabilities.
- American Bar Association: [ABA – What Are EAFRTs](#)

Elder Abuse Review Teams Nationwide

- Currently 35 teams are in 13 states: California, Colorado, Illinois, Maine, Michigan, Minnesota, Montana, New Hampshire, New Mexico, New York, Oregon, Texas, and Virginia.
- Members are from an array of agencies and services. The four largest categories of members are adult protective services, the medical examiners or coroners' office, law enforcement, and prosecutors.
- Case review and protocol vary but all utilize a culture to avoid “blame and shame”

Outcomes

- The American Bar Association Commission on Law and Aging and the University of Texas Health Science Center at Houston identified some of the follow as positive outcomes from jurisdictions utilizing EAFRTs:
 - EAFRT participation enhances members' knowledge and ability to do their jobs
 - EAFRT members share what they learn at EAFRT meetings with their colleagues
 - EAFRT participation may facilitate changes in the policies and practices of members' organizations
 - EAFRTs often advance systemic changes in their communities and states

Nevada's Existing Fatality Review Teams

- Domestic Violence
 - Domestic Violence Fatality Review Teams created by enacting NRS 217.475 in 1997
 - Attorney General's Office established a statewide review team in 2011 which provides consistency and can review cases for regions without a local review team
- Child Death Review Team
 - Authorized under NRS 432B.403
 - Can also make recommendations for improvements to laws, policies and practice

Conclusion

- Additional legislation is needed in Nevada to improve outcomes for adult maltreatment cases
- Improve the system through
 - prevention with the protective order,
 - investigation stage with access or special visitation warrants,
 - case assessment and evaluation to address systemic gaps and improvements through the Elder Abuse Fatality Review Teams.



Questions?



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Acronyms

- ADSD – Aging and Disability Services Division
Applied Behavior Analysis
- APS – Adult Protective Services
- CBC – Community Based Care
- EAFRT – Elder Abuse Fatality Review Teams
- IDD - Intellectual Disabilities/Developmental Disabilities (IDD)
- POI – Person of Interest
- VAPO – Vulnerable Adult Protection Order