



Adult Protective Services in Colorado

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Colorado's Adult Protective Services (APS) system, first established in 1983, protects at-risk adults who, because of mental or physical ability, are unable to obtain services or otherwise protect their own health, safety, and welfare. This *issue brief* provides an overview of the APS system in Colorado, highlights data on APS reports and investigations, and outlines how information on APS investigations is stored and used in the Colorado Adult Protective Service Data System (CAPS).

Overview

The APS system is overseen by the Colorado Department of Human Services (CDHS) and administered at the local level by county departments of human or social services. The APS system provides services and support when vulnerable adults are in actual or imminent danger of physical, sexual, or financial abuse; caretaker neglect; exploitation; or self-neglect.

Mandatory reporting. State law requires certain professionals, known as mandatory reporters, to report known or suspected abuse or exploitation of at-risk adults. "At-risk adults" fall into two categories: 1) adults over the age of 70; and 2) persons with an intellectual or developmental disorders (IDD) who are 18 years or older.

Mandatory reporters include specified health care providers, staff, and volunteers; mental health and social work providers; first responders; clergy members; court-appointed guardians and conservators; and personnel of financial institutions. Mandatory reporters must file a report within

24 hours of witnessing or becoming aware of abuse or exploitation of an at-risk adult.

Reporting process. Reports of mistreatment or self-neglect may be received by a county department of human services or a local law enforcement agency. Information in APS reports is not publicly released unless authorized by a court or required in other specified circumstances. For example, a report may be released to the at-risk adult who is the subject of the report or used by the CDHS when conducting a background check.

After a report is received, it is evaluated by the receiving agency. The agency looks at the facts available about the alleged mistreatment, the overall level of risk, and other factors to determine if further investigation is necessary. In recent years, the number of reports to the APS system have increased. From FY 2013-14 to FY 2019-20, reports increased by an average of 14 percent per year.¹ In FY 2018-19, local agencies forwarded 31 percent of APS reports for further investigation.

Investigations. During an investigation, county APS staff may collaborate with law enforcement, district attorneys, or other agencies authorized to investigate. Generally, law enforcement investigates criminal activity, and county APS staff address risk factors and safety issues for self-neglect or mistreatment. While the number of cases investigated increased by an average of 3 percent per year from FY 2013-14 to FY 2019-20, there has been a decrease in cases investigated over the last two years for which data are available (7,735 in FY 2019-20 versus 9,479 to FY 2018-19). Among cases with substantiated allegations of abuse or neglect, the most common

¹Office of the State Auditor, *APS Performance Audit*, https://leg.colorado.gov/sites/default/files/documents/audits/1931p_adult_protective_services_2020.pdf

perpetrators are community or family members (64%) and professional caregivers or agency staff (30%).

Services. In cases where abuse or neglect have occurred, county departments offer a range of services to the affected at-risk adults. Common services and support, and the percentage of cases receiving them in FY 2019-20, include the following: in-home and community services (25 percent); medical services (21 percent); housing support (18 percent); legal intervention (14 percent); financial services (8 percent); case management services (8 percent); education and support groups (3 percent); and nutrition services (3 percent).

APS services are intended to stabilize and ensure the immediate safety of a client, rather than provide long-term care. Accordingly, the majority of cases are closed within three months. Colorado law allows capable adults to refuse some or all services; however, 97 percent of services provided were voluntary.

Client demographics. In FY 2019-20, APS clients were 57 percent female and 43 percent male, and 56 percent were over the age of 70. Common conditions affecting clients include:

- medically fragile (32 percent);
- dementia or Alzheimer's (32 percent);
- frail or elderly (29 percent);
- physical impairment (20 percent);
- IDD (18 percent);
- mental illness or neurological impairment (14 percent); and
- other condition (8 percent).

CAPS Background Checks

The CAPS data system is used by county departments to document the results of APS investigations. Since 2017, certain employers are required to conduct background checks on potential employees or volunteers through the CAPS database to screen for previous allegations of abuse or neglect of an at-risk adult. When requesting a background check, employers must pay a fee to the CDHS. As of

March 2020, the fee was \$9.00. Employers that must request a CAPS background check include:

- county APS departments;
- health care facilities;
- adult day care facilities;
- community integrated health care service agencies;
- community-centered boards or program approved service agencies;
- single entry point agencies;
- Area Agencies on Aging and their providers;
- CDHS mental health, IDD, and veteran facilities; and
- The Office of Public Guardianship.

CAPS appeals. When an investigation determines that an allegation of abuse or neglect occurred, this determination is logged in the CAPS data system. The perpetrator may appeal the county's finding, and the case is reviewed by the CDHS. The CDHS may uphold the finding, overturn the finding, or forward the case to an administrative law judge for further review. If the county's decision is upheld, the CDHS may enter into a settlement agreement to modify, overturn, or remove the report and findings in CAPS. In FY 2018-19, there were 87 appeals to the CDHS, of which 80 cases were upheld, 4 cases were overturned, and 3 cases were abandoned by the perpetrator.

Funding

The APS system received \$19.2 million in funding statewide in FY 2020-21, of which \$18.2 million was allocated for county administration and direct client services. Funding primarily comes from the state General Fund (\$13.4 million), with the remainder coming from local funds (\$3.7 million) and federal funds (\$2.1 million).