

2021 LEGISLATIVE ISSUE FORM

1.) Issue:

Colorado's current laws and rules prescribe an investigative, one size fits all approach to the assessment of allegations of mistreatment of at-risk adults.

2.) Background:

Currently, Adult Protective Services has few options to determine how to respond to reports of concerns regarding at-risk adults; we can screen a referral out if determined that it doesn't meet the threshold to investigate the concerns; or we can investigate the report and determine if mistreatment occurred (a "finding" is needed) or no mistreatment occurred (or no "finding" is needed). Current laws don't allow for the APS program to provide services and resources in a more prevention focused manner as is currently allowed in child welfare.

3.) Proposed Solution/Legislative Remedy (Please provide the specific statutory citation your board is requesting to modify AND the proposed language you are requesting.)

The proposed solution is to implement Differential Response (DR) for Adult Protection similar to its implementation in Child Welfare. It would include two tracks: (1) alternative assessment response (AAR) in which abuse findings are not made for allegations of low or moderate abuse and services and resources can be provided in a more prevention focused approach; and (2) investigative response (IR) where abuse findings are made for high risk allegations and additional services and resources can be provided. A two-track model would allow for a customized response to adults and families based on the severity of abuse allegations.

House Bill 18-1284, ultimately resulting in CRS 26-3.1-111 (1), "The general assembly finds and declares that individuals receiving care and services from persons employed in programs or facilities described in subsection (7) of this section are vulnerable to mistreatment, including abuse, neglect, and exploitation. It is the intent of the general assembly to minimize the potential for employment of persons with a history of mistreatment of at-risk adults in positions that would allow those persons unsupervised access to these adults. As a result, the general assembly finds it necessary to strengthen protections for vulnerable adults by requiring certain employers to request a CAPS check by the state department to determine if a person who will provide direct care to an at-risk adult has been substantiated in a case of mistreatment of an at-risk adult." This may have had the unintended effect of compromising the willingness of adults at risk of maltreatment to engage with adult protection in an effort to protect the adult's caregiver/family. A one track, all families receiving the same response and a requirement of a finding, including self-neglect cases, is the only option available in Adult Protection.

Mirroring DR in Child Protection, AAR in Adult Protective Services (APS) would focus on partnership with the adult and family/community networks, their strengths and services needed to support safety, versus the single incident focus of IR. In the proposed 2 track practice model, counties would review allegations making a discernment as to how to respond to those where the risk is low to moderate. Both AAR and IR would use a rigorous assessment of safety, risk and protective factors as well as ascertainment of facts to determine the strengths and needs of the adult at risk of maltreatment. The use of AAR assessment response further aligns practice to the tenants of Adult Protection; Right to Self-determination, Consent to Services, Least Restrictive Intervention and Confidentiality as the vulnerable adult would not be required to be interviewed outside of the presence of the perpetrator, both would be

contacted before the worker goes to the residence and there is no finding about the abuse. This practice would increase engagement with family members who are in a caregiving roles, providing them with education and resources, rather than making a finding and losing their engagement and possibly their support to the vulnerable adult. The absence of a finding in self-neglect cases, which are unique to Adult Protection, is likely to increase client engagement therefore decreases the likelihood of refusal of services and

4.) County Commissioner role in this issue:

5.) Proponents/Opponents (Please indicate if your board has had conversations with proponents/opponents to date and their perspective on this proposal):

A county-led DR work group has been meeting for nearly 3 years. This group has grown from 5 counties to 15 and includes CDHS staff involvement. Additionally, community groups and law enforcement in several counties have expressed support during conversations about implementing DR for Adult Protective Services.

6.) Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal:

We have not had specific conversations with local legislators but know that Senator Joann Ginal is very interest in the services and resources provided to this population. She meets annually with our Aging and Adult Services staff to learn more about local challenges, services and resources.

7.) Anticipated Fiscal Impact:

While no fiscal note accompanied the legislation for the Differential Response Pilot in Colorado for Child Welfare, there were financial impacts at both the county and state levels. There is an anticipated fiscal impact associated with the necessary changes to the Colorado Adult Protective Services statewide data system (CAPS) to support a DR pilot. Grant funding options will be sought to cover anticipated training costs. However, implementing DR would provide much greater flexibility and benefit to the current APS Services Allocation that we already receive. We would be able to fund those services and supports through a prevention approach rather than being limited to services for clients with open cases with APS.

8.) Please list the subject matter experts CCI staff can follow-up with for more information on this proposal:

Erin Dowler- Jefferson County Human Services
Jessica Williamsen-Arapahoe County Human Services
Lori Metz-Larimer County Human Services

9.) Priority Ranking (If multiple issues submitted): 1

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