

ELDER JUSTICE: MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES' INNOVATIVE APPROACH TO ADULT PROTECTIVE SERVICES

PRESENTED BY: KEVIN MORGAN, TRAINING UNIT SUPERVISOR FOR ADULT
PROTECTIVE SERVICES AND JERRY GREENE, UNIT CHIEF, OFFICE OF SPECIAL
INVESTIGATIONS

Training Objectives

- ▶ Provide an overview of Missouri's innovative approach to adult protective services.
- ▶ Define the types of adult abuse allegations in Missouri.
- ▶ Outline the rights of “eligible adults” and the values and principles that guide APS practice.
- ▶ Identify who are mandated reporters of adult abuse.
- ▶ Describe how to report Adult Abuse in Missouri.
- ▶ Describe what to expect after you make a report.
- ▶ Describe the role of Office of Special Investigations in APS.
- ▶ Provide some case studies on OSI successes.

The APS Role



- ▶ Statute requires a prompt and thorough response to determine whether the eligible adult is facing a likelihood of serious physical harm and is in need of protective services (192.2415, RSMo).
- ▶ APS is responsible for:
 - ▶ Assessing the health, safety, and/or well-being of the eligible adult.
 - ▶ Working with the adult to mitigate concerns with referrals and/or interventions.
 - ▶ Investigating for any potential criminal activities.

Why Innovate?

- ▶ Missouri DHSS chose to innovate for a variety of reasons.
- ▶ We want better outcomes for our clients—in terms of quality of life and justice.
- ▶ Specialization made sense to achieve this goal.
- ▶ Staffing shortages forced us to think critically about who we most needed to serve.
- ▶ Jerry will go into more details on some of the why!

Missouri's Innovative Approach to Adult Protective Services

- ▶ In 2004 Missouri created the Special Investigations Unit as part of the Adult Protective Services Program.
- ▶ It was created in response to a new statute involving financial exploitation.
- ▶ This unit was comprised of individuals with extensive experience in conducting criminal investigations.
- ▶ Until 2018, SIU remained small and accepted limited numbers of cases.
- ▶ In 2018, Missouri expanded the role and scope of SIU, essentially dividing APS into the Protective Service Unit and SIU.
- ▶ In 2024, SIU changed its name to Office of Special Investigations (OSI)

Missouri's Innovative Approach to Adult Protective Services

- ▶ The Protective Service Unit (PSU) initiates most reports; handles interventions and eligible adults' unmet needs; do preliminary investigations; and refer criminal allegations to OSI.
- ▶ Office of Special Investigations (OSI) receive referrals from the PSU and investigate any allegations that appear to be criminal in nature.
- ▶ In many instances, two workers from DHSS are simultaneously working a situation—each with their own area of expertise and specialized training.



Other Innovations in APS: Determining Eligibility for APS

- ▶ DHSS has recently reconsidered how it determines eligibility for Adult Protective Services, to align better with its statutory responsibilities.
- ▶ Missouri statute has always defined eligibility for APS as:
 - ▶ The adult is 60 years old or older **OR**
 - ▶ 18-59 years old with a mental or physical impairment that substantially limits one or more major life activities and/or impairment **AND**
 - ▶ Be unable to protect his/her own interest or adequately perform or obtain services which are necessary to meet his or her essential human needs.
 - ▶ Historically Missouri has served anyone age 60 or over, or 18-59 with a disability. We now attempt to determine the adults' ability to protect their own interest or perform/obtain their own services.

What APS Investigates?



- ▶ APS Investigates abuse, neglect, and exploitation (ANE):
 - ▶ Physical Abuse, Sexual Abuse, Emotional/Psychological Abuse.
 - ▶ Financial Exploitation
 - ▶ Caregiver Neglect and Self-Neglect
 - ▶ Mental Health Crisis
 - ▶ Employee Disqualification Reports
 - ▶ Suspicious Death Reports



APS Principles

- ▶ Adults have the right to be safe.
- ▶ Adults have the right to make decisions that do not conform with societal norms as long as it does not harm others.
- ▶ Adults have the right to accept or refuse services.
- ▶ Adults retain all of their civil and constitutional rights unless a court adjudicates otherwise.



Who Are Mandated Reporters?

- ▶ Statute 192.2405.1 (1), RSMo, requires that **ANY** person with reasonable cause to believe there is a likelihood of an eligible adult suffering serious physical harm or bullying immediately report such concern or cause it to be reported to the Department of Health and Senior Services.
- ▶ Adult Daycare workers, Nurses, Dentists, Emergency Medical Technicians, DSS Employees, DMH Employees, Law Enforcement Officers, AAA employees, Nursing Home Employees, In Home Services, and Home Health Employees all face criminal penalties for failure to report.



How to Make a Report to APS

- ▶ You have multiple ways to make a report of Adult Abuse to DHSS.
- ▶ Call toll free at 1-800-392-0210 for the Adult Abuse Hotline.
- ▶ Submit an online report to: <https://health.mo.gov/abuse/>
- ▶ Please do not make emergency reports via the website!
- ▶ Call your local DHSS office and speak with an APS Specialist

The screenshot shows the Missouri Department of Health & Senior Services website. The header includes the department logo, navigation links for MO.gov, Governor Parson, Find an Agency, and Online Services, along with a search bar and social media icons. The main navigation bar lists categories: Healthy Living, Senior & Disability Services, Licensing & Regulations, Disaster & Emergency Planning, and Data & Statistics. The current page is titled "Abuse, Neglect, and Exploitation of the Elderly and Disabled" and is part of the "Licensing & Regulations" section. The breadcrumb trail is "DHSS Home > Licensing & Regulations > abuse".

Online Reporting

NEW: Online Reporting is now available for all concerned individuals and should only be used to report non-emergencies.

If you are a **mandated reporter**, DHSS encourages you to make your adult abuse and neglect reports online 24/7 to help keep our hotline open to the public. Thank you for your partnership!

[Online Reporting](#)

Use Google Chrome or Microsoft Edge

- **What is Abuse?**
- **Who can Report Abuse?**
- **What Information Do I Have to Report?**
- **What Happens After I Make a Report?**
- **What APS Reporters Need to Know**
- **What about my rights?**
- **Adult Protective Services**
- **Related Links**

Licensing & Regulations

- Abortion Facilities
- Abuse, Neglect & Exploitation
- Ambulatory Surgery Centers
- Antibiotic Resistance
- Birth Centers
- Cannabis
- Caregiver, Advise, Record, and Enable (CARE) Act Form
- CNA, CMT and Insulin Registry
- Employee Disqualification List (EDL)
- Emergency Medical Services (EMS)

What to Expect When You Have Reported to APS

- ▶ An APS Specialist will contact the reporter to obtain information.
- ▶ The APS Specialist will conduct additional online checks (PROD/FAMIS, Case.net, Cyberaccess, CIMOR) and review prior reports.
- ▶ The APS Specialist will attempt to determine whether emergency services are needed to protect the eligible adult.
- ▶ The APS Specialist will try to determine if the eligible adult's basic needs are currently being met to determine response priority.



What to Expect When You Have Reported to APS

- ▶ Based on the information reported, these are the response timeframes for an APS report:
 - ▶ Class I: Initiated within **one hour** of the report being routed
 - ▶ Class II: Initiated within **forty-eight hours** of the report being routed **or** the next business day
 - ▶ Class III: The APS Specialist shall contact the reporter within **seven calendar days** from receipt of the report
 - ▶ IDR (Resource Referral): as soon as possible but no later than **seven calendar days** after receipt to ensure appropriate resources are provided



Face to Face Visits

- ▶ Consideration is given to the severity of the allegations when determining how quickly to make a face-to-face visit.
 - ▶ Class I: The face-to-face contact with the eligible adult must occur **within the first 24 hours** unless an exception has been approved by the APS Unit supervisor.
 - ▶ Class II: The face-to-face contact with the eligible adult must occur **within seven calendar days** unless an exception has been approved by the APS Unit supervisor.



What to Expect at An Initial Visit

- ▶ The following actions are generally completed during the initial visit:
 - ▶ A **Safety Plan** is completed with the eligible adult to address any safety concerns and to determine who is taking what steps to ensure safety.
 - ▶ Assess the eligible adult's level of risk by completing a **Risk Assessment** to determine what interventions are needed.
 - ▶ APS Specialists are continuously assessing decisional capacity of the eligible adult.
 - ▶ APS Specialists may administer a St. Louis University Mental Status Exam (**SLUMS**) when needed to assess cognitive status.



What APS CAN do

- ▶ Provide various Protective Services interventions.
- ▶ Refer to in-home services when the criteria has been met.
- ▶ Intervene when an adult is incapacitated and needs medical or mental health interventions.
- ▶ Intervene on behalf of incapacitated adult to identify a representative or explore legal interventions.



What APS CANNOT do

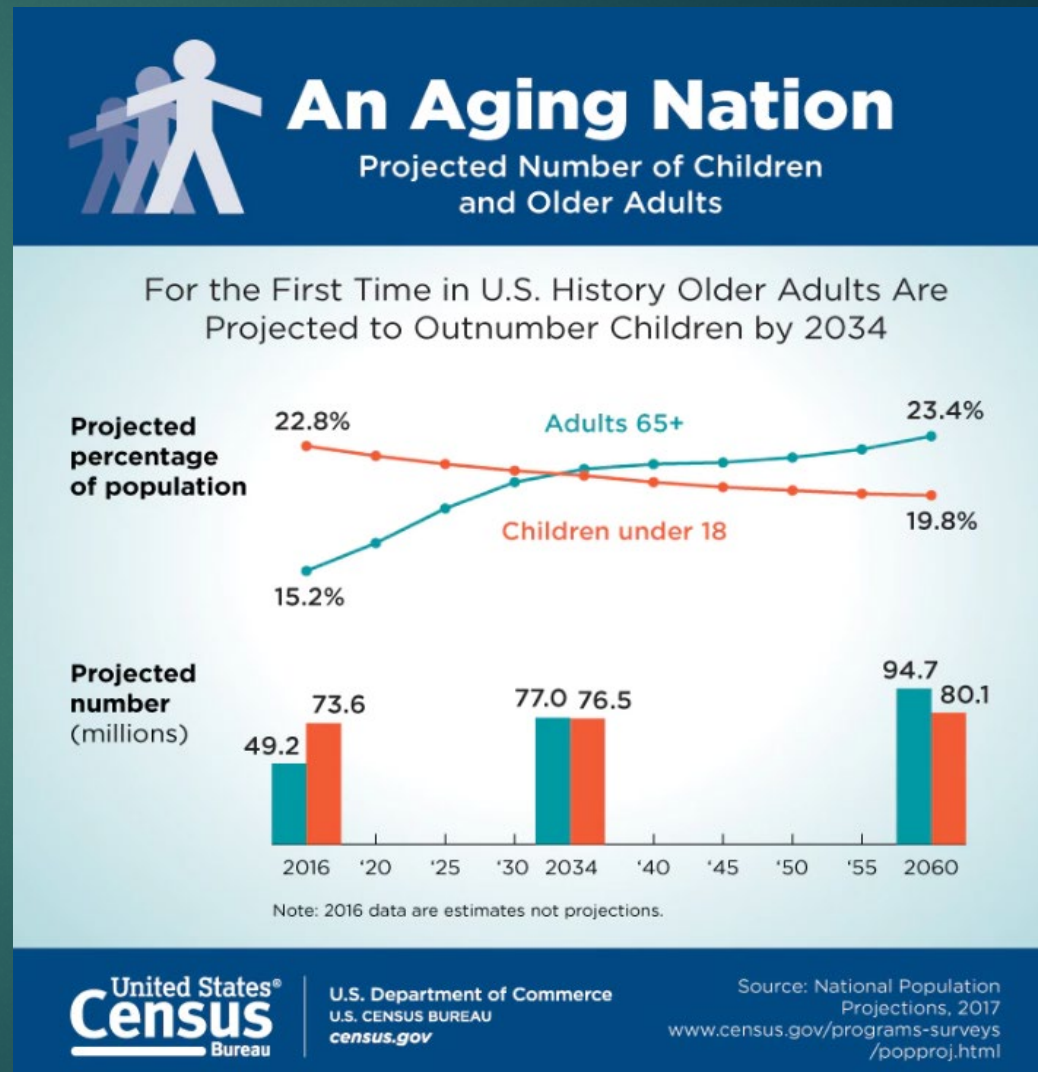


- ▶ APS CANNOT force services on a person who has the capacity to consent.
- ▶ APS CANNOT involuntarily remove someone from their home.
- ▶ APS CANNOT provide services for which there are no available resources.
- ▶ APS CANNOT enforce the law.
- ▶ APS CANNOT reveal the identity of the reporter.
- ▶ APS CANNOT share information from the report without a business need to know. APS reports are confidential.
- ▶ APS CANNOT transport under any circumstances.

CONFIDENTIAL

By the numbers...

- Missouri Seniors age 60+ make up 22.88% of the population
 - By 2030, Missouri Seniors will make up more than 25% of Missouri's population (for the first time there will be more older adults than individuals younger than 18 years of age)
- This will continue to grow as the population continues to age



Law Enforcement by the numbers...

Hiring

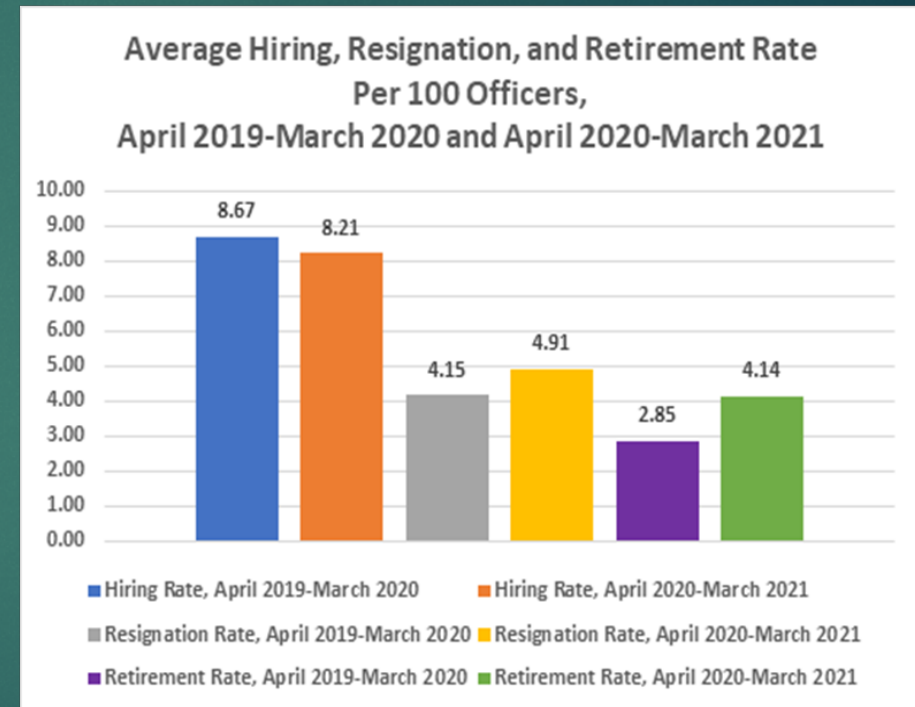
- For the April 2019-March 2020 period, responding agencies on average hired 8.67 officers per 100 current officers.
- During the same period a year later, agencies hired only 8.21 new officers per 100 current officers.
- That is a 5% decrease in the hiring rate.

Resignations

- For the 2019-20 period, responding agencies reported 4.15 resignations per 100 officers.
During the same period a year later, 4.91 officers resigned per 100 officers.
That is an 18% increase in the resignation rate.

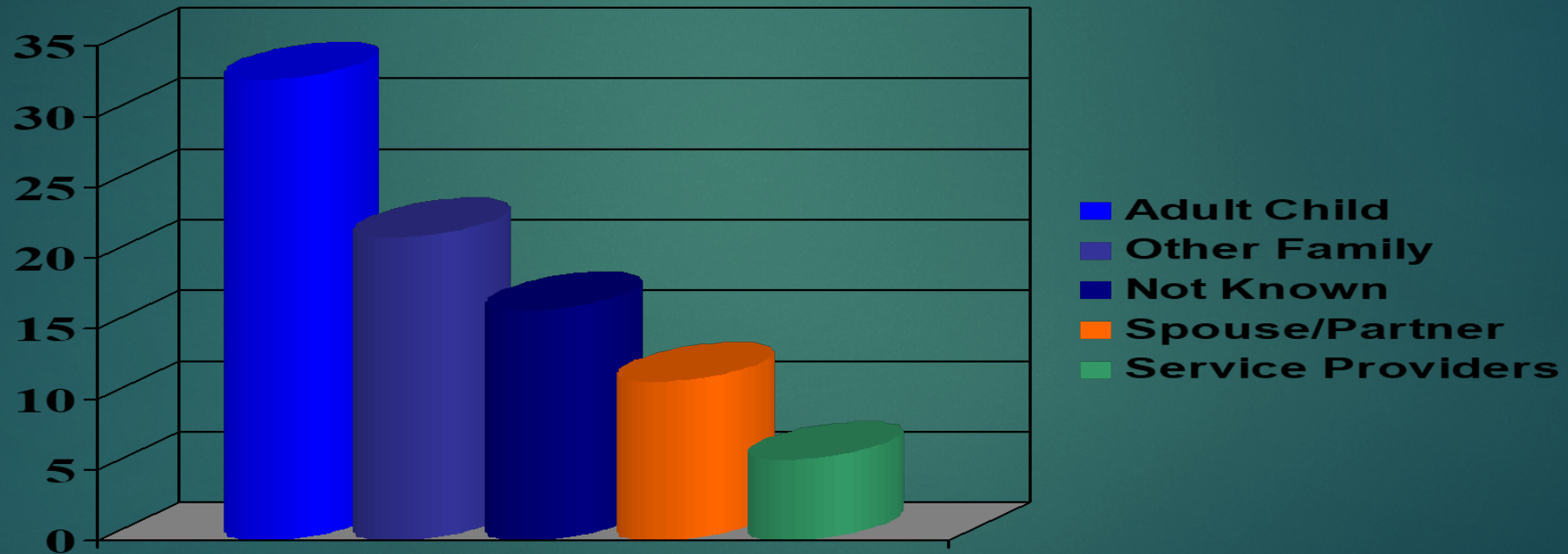
Retirements

- For the 2019-20 period, agencies reported 2.85 retirements per 100 officers.
- During the same period a year later, 4.14 officers retired per 100 officers.
- That is a 45% increase in the retirement rate.



POLICE EXECUTIVE
RESEARCH FORUM

Relationship of Perpetrator
to Victim
Substantiated Cases



THE OSI MISSION

- ▶ Conduct criminal investigations involving Abuse, Severe Neglect, and Financial Exploitation of Eligible Adults
- ▶ Conduct Employee Disqualification List Investigations
- ▶ Serve as a Resource to Local, State, and Federal agencies
- ▶ SIU investigators will not intervene if a hotline has come to CRU and there is an active investigation being conducted by law enforcement
- ▶ SIU will assist local law enforcement if needed or will work the investigation independently

Statutory Authority

- ▶ Pursuant to sections 192.2400 thru 192.2470, RSMo, DHSS (OSI) is authorized to investigate allegations of Abuse, Neglect and Financial Exploitation of eligible adults in Missouri
- ▶ OSI may assist local, state and federal law enforcement agencies on criminal investigations or conduct the investigation in lieu of other LE participation
- ▶ OSI may consult with or provide consultation to local, state and federal law enforcement agencies

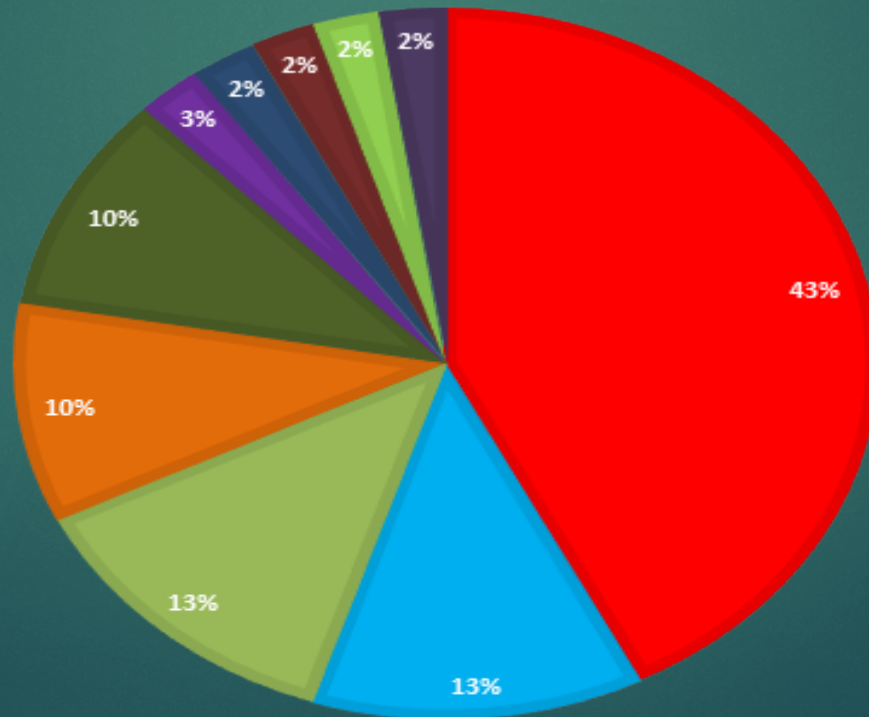


MISSOURI DEPARTMENT OF
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Office of Special Investigations

SIU INVESTIGATIONS 2020

Financial Exploitation	Stealing	Domestic Assault	Elder Abuse	Fraudulent Use of Credit Dev
Passing Bad Checks	Rape/Sodomy	Forgery	Making False Report	Tampering with Witness



Statute Violations

- Domestic Assault
- Abuse of an Elderly Person
- Filing a False Elder Abuse or Neglect Report
- Stealing
- Forgery
- Fraudulent Use of a Credit or Debit Device
- Financial Exploitation
- Identity Theft
- False Statements to Receive Health Care Payment
- Misappropriation of Funds of Elderly or Disabled Nursing Home Residents
- Rape
- Sodomy
- Sexual Misconduct
- Tampering with a Victim/Witness
- Incest



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What OSI Can Do

- ▶ OSI has 1 Unit Chief, 5 Regional Investigations Supervisor/Managers (13), 25 Investigators (12).
 - Conduct audio-recorded victim, witness, and suspect interviews
 - Collect medical and financial records as well as other evidence
 - Conduct several types of database searches
 - Prepare detailed case summaries
 - Refer investigations to local prosecutors or the Attorney General's Office
 - Brief prosecutors
 - Testify in Court



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Office of Special Investigations

Limitations on OSI Authority

- ▶ OSI has the ability to work investigations cradle to grave, except:
 - No powers of arrest
 - Limited law enforcement specialties (Crime Scene Technicians)
 - Limited access to crime scene equipment
 - OSI can serve as an affiant for a search warrant; however, LE support is required to obtain and serve the warrant
 - OSI obtains subpoenas through the prosecutor's office or with the assistance of local law enforcement



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OSI Is not.....

- ▶ First Responders – we are regionally dispersed, but not in every county
- ▶ Responsible for conducting investigations in lieu of the jurisdictional agency
- ▶ Although several of our investigators are commissioned, OSI is not a commissioned law enforcement agency

- ▶ Crime Scene Investigators



MISSOURI DEPARTMENT OF
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Case Study #1

- ▶ Anonymous investigation regarding the sexual assault of an adult female who's IQ was 48
- ▶ Victim disclosed she met the suspects (2) on a social media site
- ▶ Victim met with suspects where she was held against her will, phone was taken from her, and her SSI money was stolen
- ▶ Based off interview, arrest warrants were obtained for Rape, Sodomy, Assault 1st Degree
- ▶ Search warrant obtained for residence and suspects phones
- ▶ Evidence was found that corroborated the victims account of what happened as well as drugs and drug paraphernalia

Case Study #2

- ▶ Victim is an elderly female with cognitive difficulty. Suspect is a younger female. The two had met while grocery shopping. Suspect gets involved with the victim at first running errands for victim which over time turned into the suspect controlling all the victim's affairs.
- ▶ Suspect by means of undue influence, becomes the POA for the victim and is added to all of her bank accounts and money markets.
- ▶ Suspect Takes \$58,000 from one of the victims accounts and pays the victims house off. Suspect then does a Quit Claim Deed to herself for the deed of the house for \$1.00 and stole at least another \$36,000.00
- ▶ OSI Investigator struggled with getting information from the victim as the victim still had an affection for the suspect.
- ▶ OSI was able to secure an arrest warrant for: A Felony Financial Exploitation and C Felony Stealing over \$25,000.
- ▶ Suspect had to sign the house and the victim: A Felony Financial Exploitation and C Felony Stealing over \$25,000ms vehicle back over to the victim.

Questions?

- ▶ Kevin Morgan, Senior Staff Development Specialist Trainer; Missouri Department of Health and Senior Services; 573-521-5141; kevin.morgan@health.mo.gov
- ▶ Jerry Greene, Unit Chief, Office of Special Investigations; Missouri Department of Health and Senior Services; 573-522-9215

