**Statement of Consideration (SOC)**

The following comments were received in response to SOP drafts sent for field review. Thanks to those who reviewed and commented. Comments about typographical and grammatical errors are excluded; these errors have been corrected as appropriate.

1. **Comment:** In the last paragraph under the “Introduction” section it states that an employee is considered “field staff.” Why are employee investigations only limited to field staff as opposed to fiduciary staff?  If an allegation involves exploitation and a bill was not paid, is the APS worker going to be allowed to access KYGFIS to determine if the field staff submitted the bill request timely and fiduciary staff did not process the payment?  Or, do we depend on DAIL staff to investigate that and provide the information?  
     
   **Response:** The SOP only pertains to the Division of Guardianship field staff that provide direct case management services to state wards. Other administrative staff such as fiduciary services staff that serve in an ancillary role are not subject to this SOP because they do not have a direct case management role and are not considered caretakers.   
     
   Under KRS 209 APS has legal access to records maintained by the Division of Guardianship Services for the purposes of conducting an Adult Protective Services investigation.
2. **Comment:** #2 under “The SSW” section: it states that the SSW secures the hard copy case record. Is this the DCBS “hard copy case record” and not the DAIL Guardianship record?  Some regions do not open APS cases and as such, the hard copy file may exist of a CQA, DPP-115 from previous investigations or just the DPP-115 from this report.  Assuming it is not an open case and there have been four (4) investigations on an individual over three (3) years, does the APS worker need to locate, if they are available, investigative “hard copy case records” from different years or just the current investigation?  
     
   **Response:** “Hard copy case record” means all information that is found in the Xs 2 file. All available case records should be reviewed and considered in the most recent investigation.
3. **Comment:** #’s 4 and 5 under “The SSW” section: If the guardianship employee is the alleged perpetrator, does the APS worker needs to consult with the alleged perpetrator before initiating the investigation?  I think it would make more sense to initiate the investigation through observation, record review, and interview with the victim and collaterals before scheduling a time to interview the alleged perp.  So, perhaps 4 and 5 can be switched.    
     
   **Response:** The APS worker does not consult with the alleged perpetrator before initiating the investigation. Refer to 20.1 items # 1 and 2 concerning initiation procedures.   
     
   Additionally, #3 has been revised to say “Follows guidelines in SOP 20.1 item #2. . .” #5 has been revised to state “Complies with guidelines in SOP 20.1 item #6. . .”
4. **Comment:** #5 under “The SSW” section: I guess the assumption here is that DAIL employees will only get investigations called in for APS related issues for their wards as it references guidelines in SOP 20.1-Procedures for APS investigations and timeframes.   
     
   **Response:** Yes, this SOP applies only to allegations received regarding a guardianship employee in the context of his/her job duties. Allegations of abuse or neglect received outside of the employee’s job duties (i.e. regarding children in their care) will be handled by following established procedures.
5. **Comment:** #3Bi under “The SRA or designee” section: states that the assigned investigator should be someone without knowledge of the guardianship employee. Does “without knowledge” mean they do not know their name or have never worked them on a placement issue?  
     
   **Response:** The decision for assignment purposes, will be left to the discretion of the SRA or designee.
6. **Comment:** #1 under “The SSW, FSOS or regional management” section: the SOP references consultation with APS Branch for consults.  What if there is a CPS referral called in on the employee regarding a child which they are a caretaker?  Will this not be an employee investigation then requiring the additional scrutiny and oversight of other types of specialized investigations?  
     
   **Response:** See response to #4. A CPS investigation on DAIL staff would not be handled as an employee investigation. It would be handled per normal acceptance criteria.
7. **Comment:** #3A under the “Upon completion of the investigation or assessment” section: this states that the victim should be notified of any findings. Victims are not notified in APS investigations.  Additionally, adult wards of the state have been adjudicated to be incapable of making informed decisions. Many wards are unable to process such information.  And are these notifications to be verbal or by letter?   
     
   **Response:** According to SOP 20.2, there are times when it is appropriate to notify the victim of the findings in an investigation; regardless of whether the adult has been determined to be disabled by the court. The notification is verbal and based on the victim’s capacity to understand the circumstances surrounding the allegations. See SOP 20.10 for information regarding notification to authorized agencies, including DAIL.
8. **Comment:** Footnote #2: states that the investigation should occur in the region where the alleged victim resides. This is going to be quite difficult in some instances, especially if the guardianship worker and APS worker are in the same region as some of the regions are quite large.   
     
   **Response:** No change was made as a result of this comment. These investigations are assigned by the SRA or designee, who will have the final determination regarding who is assigned to the case. They will be completed within the region where the victim resides.
9. **Comment:** If this section is going to be numbered 20.8, what is going to happen to the current 20.8?  
     
   **Response:** The current numbers 20.8 through 20.11 will be changed accordingly to accommodate the addition of this section (i.e. 20.8 will become 20.9, etc.).
10. **Comment:** Once a claim or charge is made against an employee, the employee should be placed in a non-client contact position for the protection of clients until the investigation exculpates the employee or finds him more likely than not liable for the alleged acts.  This may be addressed in a personnel process, but should be referenced in this procedure, if such exists.  Although the employee is deemed innocent until the matter is fully investigated, we need to address the needs of the clients to be free from the potential for harm.   
      
    **Response:** DAIL management staff will be notified at the receipt and conclusion of the investigation. The preservation of client safety is paramount. Any personnel or disciplinary action concerning a Department for Aging and Independent Living employee is the domain of DAIL management.
11. **Comment:** Does DAIL have temporary workers or contract staff? If so, where do they fit into this SOP?  
      
    **Response:** DAIL temporary and contract staff are not subject to this SOP.
12. **Comment:** The SOP states that the SRA contacts the Director of Protection and Permanency, but says nothing about the service region side. Is the Director of Service Regions (DSR) not involved in this process at all?   
      
    **Response:** That is correct. This SOP does not require DSR involvement or oversight.
13. **Comment:** Who is to be assigned to investigate these referrals? Is it the same as other employee investigations?   
      
    **Response:** Please see item number 3 under “The SRA or designee” section. It states that the investigation will be assigned to an experienced worker, without knowledge of the employee.