Statement of Consideration (SOC)

PPTL 20-29 SOP 19.3.1 and SOP 20.8. 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

**SOP 19.3.1 Accepting and Assigning Reports Involving the Department for Aging and Independent Living (DAIL) Division of Guardianship Employees**

1. **Comment:** Where they removed the word Neglect: Does that mean it doesn’t apply for neglect but only for abuse and exploitation?

Introduction

Investigations involving guardianship employees should be conducted objectively, with privacy and confidentiality that meets the public expectation for accountability.  The investigating region is responsible for all notifications set forth in this standard of practice (SOP).  The procedures below are utilized when a referral is received where a Department for Aging and Independent Living (DAIL)/Division of Guardianship Services (Guardianship) employee is identified as an alleged perpetrator of adult abuse ~~neglect~~ or financial exploitation of a person **under state guardianship.** ~~state ward.~~

**Response:**  Yes, APS should only investigate reports of abuse or exploitation concerning state guardianship employees. The statute was revised in 2018; per KRS 210.290 (3) the Cabinet shall not be assigned as a person’ caregiver or custodian. Due to the change in statute, APS standard of practice was revised to remove the word neglect, leaving abuse and exploitation because a person does not have to be in a caretaking role to be found guilty of abuse or exploitation of a vulnerable adult.

Additionally, there is current language in SOP 19.3 under: Criteria for Reports that are not Accepted #2: The **reporting source reports caretaker neglect against state guardianship staff.  Per KRS 210.290 (3) b the cabinet shall not be assigned as a person's caregiver or custodian.**

1. **Comment**: Since APS has a close working relationship with the Guardianship staff in the Region, does this mean these investigations will be assigned to neighboring Regions for their APS team to complete?

The CI FSOS or designee:

* 1. Contacts the CI branch manager, or designee, to discuss the intake determination prior to assignment.
  2. Submits the Intake Summary via email (using PDF format) to the CI branch manager, or designee, within one (1) hour of receipt. If further consultation is needed, the CI FSOS contacts the Adult Protection Services (APS) branch manager, or designee. After the consultation, the CI FSOS, or designee, completes the following steps:

1. Consults with the service region administrator (SRA), or designee, regarding the appropriate region for assignment of the investigation within prescribed timeframes;

**Response:** It is possible that the investigations will be assigned to a neighboring region. As a part of the consultation process, the centralized intake FSOS or designee should discuss with the SRA or designee the nature of the report and the relationship between teams to determine if the report should remain in the region or be assigned to an APS team outside of the region. DCBS teams and guardianship regional teams are not structured the same, and do not cover the same counties. There are some DCBS regions that have two APS teams and the two teams consult with a different guardianship team.

**SOP 20.8 Investigations Involving the Department for Aging and Independent Living (DAIL) Division of Guardianship Employees**

No comments