



DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SENIOR CITIZENS



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TIME 4:35 PM DATE 12/28/2012



ADULT PROTECTIVE SERVICES UNIT
ANNUAL LEGISLATIVE REPORT
FISCAL YEAR 2012

Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 12/28/12
Time 4:49 PM
Received by [Signature]

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DEC 28 2012

SUPERIOR COURT
OF GUAM
CLERKS OFFICE

4:50pm

PERIOD COVERED: OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

PREPARED BY: JOCELYNN D.R. CRUZ
SOCIAL SERVICES SUPERVISOR I



GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JAMES W. GILLAN
DIRECTOR

LEO G. CASIL
DEPUTY DIRECTOR

DEC 28 2012

MEMORANDUM

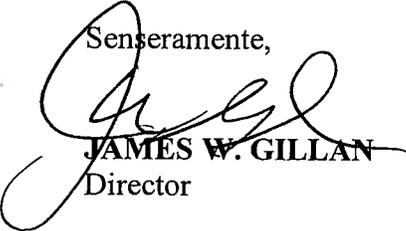
TO: Governor of Guam

FROM: Director, Department of Public Health and Social Services

SUBJECT: Adult Protective Services' Annual Legislative Report – FY 2012

Hafa Adai! Adult Protective Services' Annual Legislative Report for Fiscal Year 2012 is provided for your review.

Should you have any questions, you may contact Mr. Arthur U. San Agustin, MHR, Senior Citizens Administrator or Ms. Jocelynn D.R. Cruz, Social Services Supervisor, Division of Senior Citizens at 735-7421.

Senseramente,

JAMES W. GILLAN
 Director

Enclosure

OFFICE OF THE GOVERNOR
CENTRAL FILES

 RECEIVED BY _____
 TIME 4:35 PM DATE 12/28/2012



GOVERNMENT OF GUAM
 DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
 DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
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DEC 28 2012

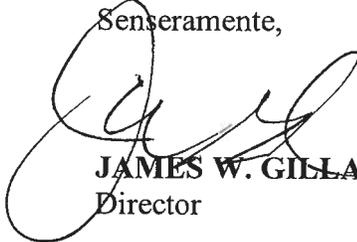
Honorable Judith T. Won Pat, Ed.D.
 Speaker
 I Mina'trentai Unu Na Liheslaturan Guåhan
 155 Hesler Street
 Hagåtña, Guam 96910

Dear Speaker Won Pat:

Hafa Adai! In accordance with Public Law 19-54, enclosed please find the Adult Protective Services' Annual Legislative Report for Fiscal Year 2012.

Should you have any questions, you may contact Mr. Arthur U. San Agustin, MHR, Senior Citizens Administrator or Ms. Jocelynn D.R. Cruz, Social Services Supervisor, Division of Senior Citizens at 735-7421.

Senseramente,



JAMES W. GILLAN
 Director

Enclosure

Office of the Speaker
 Judith T. Won Pat, Ed. D.
 Date 12/28/12
 Time 4:44pm
 Received by Jaw



GOVERNMENT OF GUAM
 DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
 DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO
 GOVERNOR

RAY TENORIO
 LIEUTENANT GOVERNOR

RECEIVED

DEC 28 2012

SUPERIOR COURT
 OF GUAM
 CLERKS OFFICE

4:50m
[Signature]

DEC 28 2012

JAMES W. GILLAN
 DIRECTOR

LEO G. CASIL
 DEPUTY DIRECTOR

Honorable Alberto C. Lamorena, III
 Presiding Judge
 Judiciary of Guam
 120 West O'Brien Drive
 Hagåtña, Guam 96910

Dear Judge Lamorena:

Hafa Adai! Adult Protective Services' Annual Legislative Report for Fiscal Year 2012 is provided for your review.

Should you have any questions, you may contact Mr. Arthur U. San Agustin, MHR, Senior Citizens Administrator or Ms. Jocelynn D.R. Cruz, Social Services Supervisor, Division of Senior Citizens at 735-7421.

Senseramente,

[Signature]
JAMES W. GILLAN
 Director

Enclosure



**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SENIOR CITIZENS**



**ADULT PROTECTIVE SERVICES UNIT
ANNUAL LEGISLATIVE REPORT
FISCAL YEAR 2012**

PERIOD COVERED: OCTOBER 1, 2011 THROUGH SEPTEMBER 30, 2012

**PREPARED BY: JOCELYNN D.R. CRUZ
SOCIAL SERVICES SUPERVISOR I**

I. DESCRIPTION OF THE ACTIVITIES OF THE UNIT AND ALL DESIGNATED AGENCIES DURING THE PRECEDING YEAR

The Bureau of Adult Protective Services (BAPS) of the Division of Senior Citizens, Department of Public Health and Social Services (DPHSS), referred to as the Adult Protective Services (APS) Unit was created through the enactment of Public Law 19-54 and later amended by Public Law 21-33. The BAPS is responsible for receiving and investigating all suspected reports of elderly and disabled adult (adults with disabilities) abuse and neglect. Elderly are defined as person's age sixty years and above. Adults with disabilities are defined as persons age eighteen years and above with a disability that limits one or more major life activities, such as, but not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. The mission of the BAPS is to provide services to the elderly and adults with disabilities in a manner least restrictive with respect to their dignity and in consideration of the values and practices of their culture.

The program administers an Emergency Receiving Home through a contractual agreement with Catholic Social Service (CSS). This agreement is in place for this reporting period and is for the operation of the APS Emergency Receiving Home (ERH) and Crisis Intervention Hotline (CIH), to provide shelter and support to our elderly and adults with disabilities who are in immediate or imminent danger and require shelter to protect them from further abuse or neglect. The CIH receives and responds to reports of suspected elderly or adults with disabilities abuse and neglect on weekdays from 5:00 p.m. to 8:00 a.m. and twenty-four hours on weekends and holidays. In addition to managing the ERH program, BAPS also provided contractual oversight of the Legal Assistance Services (LAS) Program, a Title III program authorized through the Older Americans Act, as amended, from October 2011 to March 2012, and in April 2012 the LAS program was then transferred to the Bureau of Program Administration and Development.



A primary function of the BAPS social workers is case investigation. Upon receiving a referral of alleged abuse or neglect, a social worker meets with the client to assess the situation and proceeds with investigating the allegation(s) of abuse or neglect and develops a case plan which addresses the client's needs in order to address if not resolve the abusive situation. Intervention strategies used by the social workers include: crisis intervention, education, protective shelter, multi-disciplinary team

meetings, individual and family sessions, and networking with other government and private agencies to provide formal supportive services. A secondary function is outreach and prevention efforts. Outreach presentations are provided to educate and inform government, private and non-profit entities and the general public of the services available through the BAPS for the prevention of elderly and adults with a disability abuse and neglect.

The BAPS also administers the Office of the Long Term Care Ombudsman and activities related to Elder Abuse Prevention, Title VII programs. The Office of the Ombudsman services elderly

residents in long term care facilities such as the St. Dominic's Senior Care Home and elderly receiving services at the Guam Memorial Hospital Authority, Skilled Nursing Unit (GMHA, SNU) and the two Adult Day Care Centers. The Ombudsman visits elderly at nursing and long term care homes to meet with them and their family members to address, advocate, and resolve concerns for the protection of the resident's health, safety, and welfare while ensuring the rights of residents are safeguarded.

OUTREACH AND ADVOCACY:

As in prior fiscal years, the BAPS participated in the Point-in-Time Homeless Count conducted on January 27, 2012, and at various outreach activities in local shopping malls, health fairs, proclamation signing events, at the 12 Senior Citizen' Centers, and during the 1st Annual Guam Conference on Aging held at the Leo Palace Resort Guam on May 23, 2012. In total, BAPS conducted 81 outreach activities to heighten community awareness in preventing and reporting abuse and neglect of the elderly and adults with a disability, to include monthly APS and Ombudsman presentations at the St. Dominic's Senior Care Home, Guam Memorial Hospital Skilled Nursing Unit, and the two Adult Day Care Centers. An in-depth APS Training was also provided to a few key partners who provide services to the elderly or adults with disabilities, specifically, the Adult Day Care in Barrigada on October 19, 2011, Department of Mental Health and Substance Abuse, Community Support Services on October 20, 2011, Karidat Group Home on January 20, February 3, and 10, 2012, Health Services of the Pacific on May 29, 2012, Sagan Mami Drop-In Center on June 29 and September 28, 2012, and Caridad Group Home in Mongmong on July 25, 2012. The Karidat Group Home is designed to serve adults with profound disabilities while the Caridad Group Home is designed to serve more highly functioning adult individuals with a disability.

Additionally, BAPS staff actively participated in the following Council, Board, Coalitions, and Committees: (1) Healing Hearts Sexual Assault Response Team (SART) Steering Committee meetings held monthly, (2) Guam Homeless Coalition meetings held monthly, (3) 2012 Senior Citizen's Central Planning Committee meetings held monthly, (4) Guam Developmental Disabilities Council meetings held monthly, (5) Guam Public Guardian Review Board, and the (6) Guam Coalition Against Sexual Assault and Family Violence meetings, with the latter two groups meeting as scheduled.

BUILDING STAFF CAPACITY:

In a continual effort to build the bureau's capacity and professional development of its employees, the BAPS staff received training and/or attended the following workshops and conferences in FY 2012:

1. November 7-8, 2011: Community Advocate Training coordinated by the Guam Coalition Against Sexual Assault and Family Violence at the Outrigger Guam Resort.
2. December 14, 2011: Guam Developmental Disabilities Council Members orientation and training at the Marriott Resort.

3. July 7-11, 2012: National Association of Area Agencies on Aging, n4a 37th Annual Conference and Tradeshow in Denver, Colorado.
4. September 10-13, 2012: National Home and Community Based Conference in Arlington, Virginia.
5. September 17-21, 2012: Performance Management Training instructed by Mr. John Rivera and Ms. Cathleen Moore-Lin, University of Guam Professional and International Programs.
6. September 25-27, 2012: Regional Summit “Maila’ Ta Fandaña, Coming Together to End the Violence” presented by the Guam Coalition Against Sexual Assault & Family Violence in collaboration with the Department of Public Health and Social Services and the Guam Department of Education at the Westin Guam Resort.

HIGHLIGHTS OF FY 2012:

BILL 511-31 (COR): Highlights in FY 2012 for the BAPS include the passage of a legislative measure to update Guam’s APS mandate. In April 2012, an APS Work Group was formed with the intent on reviewing the existing APS mandates for amendments or changes where appropriate and necessary. This Work Group was comprised of staff from the DSC and representatives from 15 community partners, which include the Legislature, Judiciary, law enforcement and several social service agencies and organizations, both governmental and non-governmental service agencies and organizations. The members of the APS Work Group met for fourteen (14) consecutive weeks, two hours each week, reviewing each section of the APS mandate, the Act, and discussing how each section addresses the issues and challenges our elders, adults with a disability, and their caregivers and/or guardians face; and through meeting discussions emerged the necessary and appropriate amendments to strengthen Guam’s APS Act and subsequently, on September 13, 2012, Bill 511-31 (COR), a legislative measure relative to updating the APS mandates was introduced by Senator Aline A. Yamashita, Ph.D.

The amendments of Bill 511-31 (COR) includes updating of definitions for the types of abuse; expanding the list of Mandated Reporters by position titles to include Emergency Medical Service providers, non-emergency Medical Transport providers, medical and allied health providers, banking or financial institutions personnel, pension providers and practicum students in the health and human services; amending the identification of the disabled adult throughout the Act to reflect person first and not the disability, therefore, the amended change would be adult with a disability where the current reference of disabled adult appears; and the reference in the mandate of Adult Protective Services Unit will be changed to Bureau of Adult Protective Services (BAPS).

In Sub-Section 2954, there is amendment to have the fines imposed for failing to report maintained in a separate account in order for funds to be used exclusively in support of the operations of the BAPS. In Sub-Section 2956, the BAPS’ organizational structure will be defined as there will be changes in personnel structure to ensure the BAPS is properly staff. Additionally, in Sub-Section 2956, there is amendment for the members who serve on the Multi-Disciplinary Team (MDT) to serve with no compensation. The basis of this approach is that

most, if not all of the members of the MDT would have a vested interest in the stabilization of the client, as most would be involved in some way with the case of the client being reviewed by the team. In Sub-Section 2957, the current mandate requires that the investigating agency act only with the consent of the victim or alleged victim, however, the amendment to this sub-section will require the Bureau to investigate all complaints of abuse and shall document their investigative efforts without the consent of the victim. In Sub-Section 2958, the amendment is for those cases the Bureau is not able to determine within ninety (90) days of the date of initial report as being substantiated or unsubstantiated, thus, the case shall be classified as an inconclusive finding.

On September 21, 2012, the APS Work Group members reviewed Bill 511-31 (COR) in its entirety and provided very few recommended changes to the Bill. Additionally, on September 27, 2012, during the 2012 Regional Summit put forth by the Guam Coalition Against Sexual Assault and Family Violence, the measure was presented during a workshop session on APS' mandates, with additional input from participants who attended the session to include as recommended changes to Bill 511-31 (COR).

A Public Hearing for Bill 511-31 (COR) was held on November 16, 2012 at which time the recommended changes were presented to the Committee on Health and Human Services, Senior Citizens, Economic Development, and Election Reform as recommend amendments to Bill 511-31 (COR). In the legislative session ending December 14, 2012, Bill 511-31 (COR), as substituted by the Committee was passed with 14 yeas and one (1) excused absence. As of this writing, the Bill has been forwarded to the Governor. The amendments provided through Bill 511-31 (COR) will ensure our elders and adults with disabilities are not overlooked and continue to receive the protection and support services they need and deserve to live out their lives in dignity and respect. Listed below are the community partners and organizations who served as members of the APS Work Group:

1. Catholic Social Service
2. Department of Integrated Services for Individuals with Disabilities
3. Department of Mental Health and Substance Abuse
4. Guam Coalition Against Sexual Assault and Family Violence
5. Guam Fire Department
6. Guam Housing and Urban Renewal Authority
7. Guam Legal Services Corporation, Disability Law Center
8. Guam Medical Transport
9. Guam Memorial Hospital
10. Guma' Mami, Incorporated
11. Mayors' Council of Guam
12. Office of the Attorney General
13. Office of the Public Guardian
14. Office of Senator Aline A. Yamashita, PhD
15. Saint Joseph's Medical Transport

APPROVAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING TO CONSTRUCT AN EMERGENCY RECEIVING HOME/ADULT DAY CARE FACILITY

Another BAPS highlight for FY 2012 is the favorable outcome of the DSC, BAPS' submission to the Guam Housing and Urban Renewal Authority (GHURA) for Community Development Block Grant funding to construct an Emergency Receiving Home (ERH) and Adult Day Care facility. On March 23, 2012, the DSC, BAPS' submitted an application to GHURA for funding assistance through the Community Block Grant (CDBG) Public Facilities and Improvements to acquire, rehabilitate or construct an Emergency Receiving Home (ERH) facility. In May 2012, the DSC was informed by GHURA that the grant proposal submitted by the DSC has been short listed as a proposed project for GHURA's Program Year 2012 Annual Action Plan. A meeting was held on May 21, 2012, between representatives from the DSC and GHURA to discuss alternate sites for the proposed project as well as the inclusion of the Adult Day Care Center (ADC) component into the grant proposal to construct a new facility which will house two distinct programs, the Emergency Receiving Home (ERH) and an Adult Day Care Center (ADC). On June 1, 2012, the DSC submitted an amended grant proposal to include as part of the initial grant proposal submitted on March 23, 2012, the inclusion of an Adult Day Care Center (ADC) component.

On July 19, 2012, a public hearing was held in the GHURA Conference Room in Hagatna for public comment on the use of \$4,148,648.00 for grant projects through the Community Planning and Development funds, Community Development Block Grant, HOME Investment Partnership Grant, and Emergency Solutions Grant (ESG). Among the list of grant activities through the Community Development Block Grant is the construction of an Emergency Receiving Home/Adult Day Care facility.

As of this writing, a meeting between the DSC and GHURA is scheduled for January 3, 2013 to begin discussions on the layout and design of the ERH/ADC facility. The construction of this facility will provide a permanent home for the clients of the Emergency Receiving Home Program, which provides temporary emergency shelter for elderly (60 and above) and adults (18-59) with a disability who are victims of abuse, as well as an Adult Day Care respite program for elderly who are unable to function at home without support services and who do not need 24 hour care. In addition, the home's design will be compliant with the provisions of the Americans with Disabilities Act and provide opportunity for program funds that would otherwise be used for rental to be used for ERH Program services.

II. STATISTICAL INFORMATION ON THE NUMBER AND TYPES OF REPORTS RECEIVED DURING THE YEAR FOR BAPS

BUREAU OF ADULT PROTECTIVE SERVICES (BAPS): In FY 2012, the BAPS responded to 223 Unduplicated Referrals/Intakes, averaging 18 cases per month. The months with the highest number of Referrals/Intakes received are April, June and July with 21 or approximately 9% each and the lowest being May and September with 9 Referrals/Intakes or approximately 5% each. Of

the 223 Referrals/Intakes received, 214 were determined to be appropriate and 9 were determined to be inappropriate. The client profile of the 214 appropriate Referrals/Intakes investigated by the BAPS is illustrated below in Table 1. Client Profile.

Table 1. Client Profile.

Client Ethnicity	Elderly		Adults With a Disability		Elderly With a Disability (Dual)		YTD by Ethnic Group
	Male	Female	Male	Female	Male	Female	
Chamorro	14	21	19	21	31	36	142
Chuukese	0	1	0	0	1	0	2
Filipino	6	14	6	7	9	6	48
Japanese	0	0	0	0	1	5	6
Korean	1	0	0	0	0	0	1
Palauan	0	0	0	1	0	3	4
Saipanese	0	0	0	1	0	0	1
Vietnamese	0	0	0	0	0	1	1
Yapese	0	0	0	0	2	0	2
White	3	3	1	0	0	0	7
YTD by Gender	24	39	26	30	44	51	214

- Of the 214 appropriate Referrals/Intakes received, 158 or 74% were elderly [comprised of Elderly and Elderly With a Disability (Dual)] and 56 or 26% were for adults with disabilities.
- Of the 158 elderly Referrals/Intakes investigated, 63 or approximately 40% were elderly and 95 or approximately 60% were elderly with a disability.
- Of the 214 appropriate Referrals/Intakes received, 120 or 56% were females and 94 or approximately 44% were males.
- Of the 214 appropriate Referrals/Intakes received, the three highest ethnic groups are Chamorro at 142 or 66%, followed by Filipino at 48 or 23%, and White at seven (7) or 3%. The remaining 17 or 8% were comprised of seven other ethnic groups.

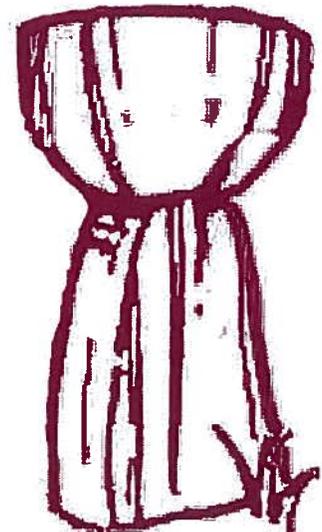
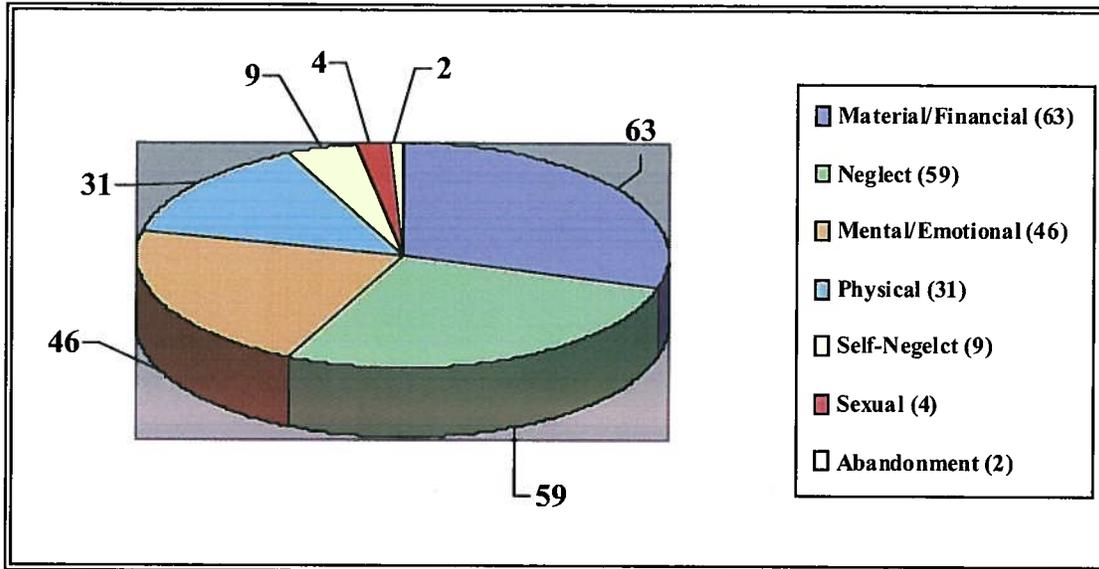


Figure 1. Types of Abuse.



A review of the 214 appropriate Referrals/Intakes received revealed the BAPS staff had responded to a range of abuses against the elderly and adults with a disability. The 214 appropriate Referrals/Intakes as categorized by type of abuse are illustrated in Figure 1. Types of Abuse. Of the 214 case investigations conducted by BAPS, 16 or 7% of the Referrals/Intakes received were substantiated and 198 or 93% were unsubstantiated.

Table 2. BAPS Units of Service.

Fiscal Year 2012	YTD Total
Unduplicated Referrals/Intakes Received	223
Phone Calls	1,934
Office Visits	157
Home Visits	621
Information and Assistance	243
Collateral Contacts	822
Outreach/Presentations	81
Total Units of Services Performed	4,081

The compilation of BAPS Units of Service resulted in a total of 4,081 Units of Services performed by the BAPS this Fiscal Year. The Units of Service are as follows: 223 Unduplicated Referrals/Intakes Received, 1,934 Phone Calls, 157 Office Visits, 621 Home Visits, 243 Information and Assistance, 822 Collateral Contacts and 81 Outreach/Presentations.

EMERGENCY RECEIVING HOME (ERH): In FY 2012, the contracted ERH program staff responded to 22 total Unduplicated Referrals/Intakes. The month with the highest number of Referrals/Intakes received was December 2011 with 5 or approximately 23%.

Table 3. Client Profile illustrates the client profile of the 22 appropriate referrals/intakes investigated by ERH:

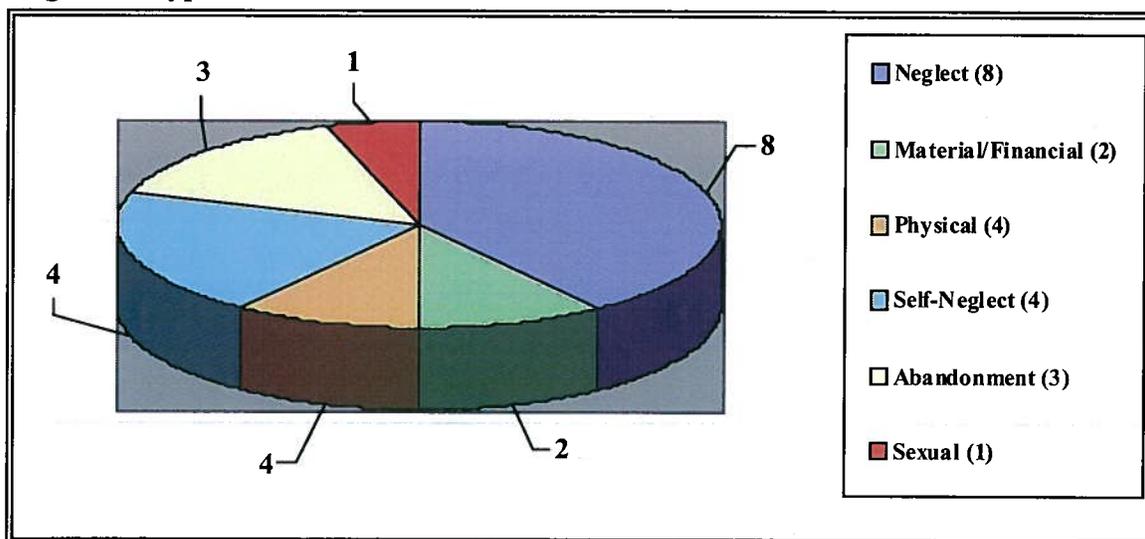
Table 3. Client Profile.

Client Ethnicity	Elderly		Adult With a Disability		Elderly With a Disability (Dual)		YTD by Ethnic Group
	Male	Female	Male	Female	Male	Female	
Chamorro	0	2	0	1	1	13	17
Filipino	0	1	0	0	1	0	2
Vietnamese	0	1	0	0	0	0	1
White	0	0	1	0	0	1	2
YTD by Gender	0	4	1	1	2	14	22

- Of the 22 appropriate referrals/intakes received, 20 or approximately 91% were elderly and 2 or approximately 9% were adults with disabilities.
- Of the 20 elderly referrals investigated, 4 or approximately 20% were elderly and 16 or 80% were elderly with a disability.
- Of the 22 appropriate referrals/intakes received, 19 or approximately 86% of the appropriate referrals/intakes were females and 3 or approximately 14% were males.
- Of the 22 appropriate Referrals/Intakes received, 17 or approximately 77% were Chamorro, followed by Filipino and White at 2 or approximately 9% each, and Vietnamese at 1 or approximately 5%.

The 22 appropriate referrals/intakes as categorized by Types of Abuse are illustrated in Figure 2.

Figure 2. Types of Abuse.



As a result of case investigations, 11 or approximately 50% of the appropriate referrals/intakes received and investigated by ERH Social Workers were substantiated and 11 or approximately 50% were unsubstantiated.

Table 4. Clients Admitted to the ERH in FY 2012 illustrates the profile of clients admitted to the ERH in FY 2012. There were an unduplicated total of thirteen (13) clients admitted to the ERH: twelve (12) elderly and one (1) adult with a disability for this reporting year.

Table 4. Clients Admitted to the ERH in FY 2012.

Client Ethnicity	Elderly		Adult With a Disability		Elderly With a Disability (Dual)		YTD by Ethnic Group
	Male	Female	Male	Female	Male	Female	
Chamorro	0	1	0	0	1	3	5
Chuukese	0	0	1	0	0	1	2
Filipino	0	1	0	0	2	0	3
Japanese	0	1	0	0	0	1	2
Vietnamese	0	0	0	0	0	1	1
YTD by Gender	0	3	1	0	3	6	13

In FY 2012, the staff of the ERH conducted a total of 9,296 Units of Services as follows: 22 Unduplicated Referrals/Intakes Received, 1,206 hours of Information and Assistance, provided clients with 2,542 hours of Case Management, 3,103 hours of Personal Care, served a total of 2,422 Meals, and conducted one (1) outreach activity as illustrated in Table 5. ERH Units of Service.

Table 5. ERH Units of Service.

Fiscal Year 2012	YTD Total
Unduplicated Referrals/Intakes Received	22
Information and Assistance	1,206
Case Management	2,542
Personal Care Provided	3,103
Meals Provided	2,422
Outreach Activities	1
Total Units of Services Performed	9,296

Three Year Review of Three Highest Types of Abuse Referred: A review of statistical data on the three (3) highest Types of Abuse received and investigated by the BAPS within the past three (3) fiscal years to include FY 2012 is illustrated below in Table 6. Three Highest Types of Abuse Referred.

Table 6. Three Highest Types of Abuse Referred.

Fiscal Year	1st Highest Type	2nd Highest Type	3rd Highest Type
FY 2012	67 Neglect	65 Material/Financial	46 Mental/Emotional
FY 2011	72 Neglect	62 Mental/Emotional	54 Material/Financial
FY 2010	53 Material/Financial	50 Neglect	38 Mental/Emotional

- In FY 2012, Neglect ranked the highest in all types of abuse received by BAPS with 67, a 7% drop from FY 2011 with 72 referrals received and an 34% increase for Neglect referrals received in FY 2010, which ranked second highest for referrals received for that Fiscal Year.
- Material/Financial Abuse ranked second with 65 referrals received in FY 2012, whereas in FY 2011 it ranked third with 54 referrals received, an increase of 20%.
- Mental/Emotional Abuse which ranked second highest in Fiscal Year 2011 dropped by 30% or 19 to third highest in FY 2012.
- For all the three (3) years in review, Neglect, Material/Financial and Mental/Emotional remained as ranking within the top three types of abuse reported and investigated by BAPS.

III. BUDGET INFORMATION

Expenditures for FY 2012 totaled \$642,473.94. A breakdown of FY 2012 expenditures is provided in Table 7.

Table 7. Expenditures.

Item	Expenditure	Percentage
Salaries	\$152,512.40	23.74%
Benefits	\$57,767.86	8.99%
Contractual Service	\$430,058.11	66.94%
Supplies	\$2,135.57	0.33%
TOTAL	\$642,473.94	

IV. INFORMATION ON THE QUALITY OF SERVICES PROVIDED AND THE RESULTS OF SUCH SERVICE IN TERMS OF ALLEVIATING ABUSE

Currently, the BAPS is meeting the objectives of Public Law 19-54 by providing intervention in abusive situations and assisting clients and their families in obtaining supportive social services, as practicably available on island. Oftentimes, the BAPS serves as the entry point into Guam’s social service system for elderly or adults with disabilities. It is the experience of the BAPS social workers that abuse and neglect are not always intentional, but rather caused by caregiver stress and a lack of knowledge on how to care for elderly (parents) or adults with disabilities. Through BAPS intervention, caregivers are provided with information on care giving and linkage

to relevant support systems. In most instances, the needs of the APS clients are met thus, alleviating the abusive situation. Cases which have been determined by BAPS that the elderly or adult with a disability had suffered serious abuse are forwarded to the Attorney General's Office for their review and disposition; however, none of the cases investigated in FY 2012 merited being forwarded to the Attorney General for further disposition.

The BAPS addresses abuse from a social service as opposed to a law enforcement perspective. This allows clients to make informed decisions as to how they can help themselves alleviate their abusive situation, as practicable. The clients' basic right to self-determination is promoted while maintaining their integrity and dignity. Without the BAPS, the only recourse for elderly and adults with disabilities would be assistance from the Guam Police Department. Many incidences of abuse would not be addressed as BAPS clients are reluctant to use police enforcement as a means of resolution, especially when many cases involve family members. Successful intervention is a continual learning experience of family dynamics, available community resources and how the BAPS can most effectively serve their clients.

An important component of the BAPS is the Emergency Receiving Home/Crisis Intervention Hotline program. Through the BAPS Crisis Intervention Hotline, protective services are available seven days a week, twenty-four hours a day, ensuring that elderly and adults with disabilities have access to BAPS services at all times. Availability of the Emergency Receiving Home has proven essential to the safety of victims of serious abuse and neglect. The shelter affords a safe haven during a crisis. Without the shelter, clients of BAPS would probably remain in the abusive home environment until alternate living arrangements are made.

Although APS has been in existence since 1989, continued work is being done in clarifying the roles and responsibilities of BAPS social workers as protective service workers. The BAPS continues to collaborate with other government and private agency personnel to clarify their role as mandated reporters, and the responsibilities and boundaries of protective service workers.

V. IDENTIFICATION OF PROBLEMS THAT MAY ARISE IN THE IMPLEMENTATION OF THIS ARTICLE

1. Consent for Services. Section 2957 Item A states that APS shall only investigate with the consent of the alleged victim. The Section further states, however, that APS must complete the investigation regardless of the lack of cooperation of the alleged victim. Conflict between the worker and the alleged victim may arise in investigating a case when an alleged victim refuses APS intervention yet the social worker is mandated to complete the investigation.
2. Public Law 19-54 provides for mandated reporting of suspected elderly or adults with disabilities abuse or neglect for professionals who in the course of their employment come into contact with elderly and persons with disabilities. The law further provides immunity from liability for those individuals who make reports in good faith. However, the law does not provide sanctions for the falsifying of reports. During the course of case investigations, it has been determined by APS social workers that certain case referrals were not made in good faith. Absent any provision for penalties for falsifying reports under this provision, there

does not appear to be any means to discourage this action on the part of individuals committing such an act.

3. Public Law 19-54 does not address alleged perpetrators who refuse to cooperate in an APS investigation. APS does not possess the authority to require alleged perpetrators to be investigated by Social Workers, thus, a contributing variable resulting in unsubstantiated investigations.
4. Although P.L. 19-54 defines several types of abuses in its mandate, it does not provide penalties for substantiated cases of abuse or neglect specific to elders or adults with disabilities. Substantiated cases of physical or sexual abuse are criminal in nature, and therefore, are forwarded to the Attorney General's Office. The Attorney General may investigate and decide whether to initiate criminal proceedings. Cases of substantiated material/financial abuse can be referred to other legal avenues for possible recourse; however, substantiated cases of abandonment, emotional abuse and neglect do not appear to fall under any laws and as such, carry no penalties.
5. Expansion of Services. During the investigations, especially of alleged neglect situations, it has been determined that the neglect of APS clients was not intentional but rather due to lack of services to support family members in their role as caregivers or to assist an adult individual living in the community requiring some level of formal support that cannot be readily provided by family or friends, either due to competing demands the family is juggling or the resource is non-existent.
6. Long Term Care. Long term care needs for the elderly and adults with disabilities is a major issue for APS clients and their families. Many clients do not have family members to care for them on a long term basis. Additionally, as most families require to be gainfully employed to maintain their household and the elderly and adults with disabilities often require supervised care; families are constantly challenged with caring for these people in their homes. The ERH has also noted concerns in transitioning clients out of the shelter due to the lack of long term care facilities or family support. Although the maximum stay for clients is 45 days, some individuals have been in the shelter for more than 90 days while remaining on a waitlist for transition to St. Dominic's or other home and community based program. Given the current trend of clients admitted to the shelter, clients will probably exceed the 45 day limit due to a weakened (or non-existent) family support or due to the absence (lack) of community-based service programs that would support the individual to be reintegrated into their former setting. With a capacity of six (6) individuals, it is anticipated that the need for long term housing of clients may result in clients being rotated among shelter residential type programs with the client(s) being admitted to the existing array of shelter services multiple times. This situation requires a permanent and responsive solution to this growing need in our community.

VI. RECOMMENDATIONS FOR ACTION ON THE PART OF THE LEGISLATURE WHENEVER DEEMED VITAL FOR THE PROTECTION OF THE ELDERLY AND ADULTS WITH A DISABILITY

1. The BAPS, Division of Senior Citizens, DPHSS awaits decision of the Governor regarding Bill 511-31 (COR) which will address most if not all of the concerns listed in V. of this report.
2. Legislation needs to be enacted to expand and fund needed programs for independent living and alternative/transitional housing so as to address the needs of clients who are initially admitted into the Emergency Receiving Home during crisis, but due to limited resources and services in our community, are difficult to transition out of the shelter when protective care is no longer the primary basis for shelter services. During the past year, five (5) clients requiring such services were placed at the shelter while awaiting transition into St. Dominic's or to another non-emergency community based residential housing/shelter program.

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 12/22/12

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