



The Courts and Adult Protective Services



Partnering to Protect

One Team, One Goal.

Judges, prosecutors, and others in the court system are critical and valued Adult Protective Services (APS) partners in our joint mission to protect and ensure the safety of vulnerable adults in Texas. Our shared goal is to find the best, least restrictive solution for adults who are in need so they can live healthier, safer lives with dignity. We achieve the best results when APS and the courts work side by side to help the people we serve.

About APS

APS is a division of the Texas Department of Family and Protective Services (DFPS). We serve Texans who live in the community who are age 65 or older and adults, age 18 to 64, who have a disability that substantially affects

their ability to live independently. APS investigates when someone alleges that a member of either of these groups is a victim of abuse, neglect, or financial exploitation. APS may provide or arrange for services to remedy or prevent further harm.

Reporting to APS

Report situations of suspected abuse, neglect, self-neglect, or financial exploitation to the Texas Abuse Hotline at 1-800-252-5400. For situations that are not urgent, you can report online at [txabusehotline.org](https://www.txabusehotline.org).

Please provide as much detail as possible and a good call-back number for APS to ask follow-up questions.

State law requires everyone to report suspected abuse, neglect, or financial exploitation of adults who are elderly or have disabilities to DFPS. Texas law provides immunity from civil and criminal liability for those acting in good faith. In addition, the Texas Finance Code gives specific immunity to financial institutions that report financial exploitation.

DFPS's Statewide Intake (SWI) program operates the hotline and the website. If the allegations meet APS's investigation criteria, SWI assigns a priority that is based on the severity of the situation and sends it to a local APS office where a caseworker begins an investigation. The caseworker uses the priority to determine how quickly to see the client.

.....

Most of the cases APS investigates involve self-neglect. Self-neglect warning signs may include poor hygiene, lack of necessities, and unsanitary living conditions.

.....

APS Roles and Responsibilities

- APS investigates allegations of abuse, neglect and self-neglect, and financial exploitation when the victim is age 65 or older or is 18 to 64 and has a disability that causes significant impairment.
- APS documents the case and, if needed, seeks protective orders and guardianship appointments from the court to ensure the safety of clients and the community.
- APS seeks out and helps clients get access to community resources to help them with short-term needs such as emergency shelter, rent, house cleaning, minor home repairs, wheelchair ramps, food, and medications. For longer-term solutions, APS may advocate for clients to get government benefits or help from social service agencies.



Facts About APS

- APS has no authority to remove people from their homes or mandate services except in emergencies. In these limited situations, APS removes the client and seeks a court order. APS must show that the client is being abused, neglected, or financially exploited, there is a threat to life or physical safety, and that the client lacks the capacity to consent to services and no one else can give consent.
- APS clients who have the capacity to make decisions have the right to refuse services, such as home cleaning or medication assistance, but the investigation is not optional. APS is required to continue the investigation whether the client is cooperative or not.

Contact your local APS office:

Opportunities for the Courts and APS to Work Together

- **Collaborating** with APS, law enforcement, mental health providers, and other community partners on the best long-term outcomes for vulnerable adults involved with the court system.
- **Establishing Points of Contact and Clear Communication Channels.** APS welcomes the opportunity to build relationships with judges, district attorneys, prosecutors, and others in the court system to foster trust and effective communications. DFPS regional attorneys may be instrumental in working with the courts and legal system.
- **Investigating and prosecuting crimes against older adults and adults with disabilities,** including physical or sexual abuse and financial exploitation.
- **Working with APS when it is seeking legal action** to ensure client or community safety, including mental health warrants and protective orders such as Emergency Orders for Protective Services.
- **Coordinating** with APS when court officials see signs, during other legal cases, that a person may be suffering from abuse, neglect, or financial exploitation. Signs can include malnutrition, dirty or ragged clothing, a lack of food or medicine, or evidence of sudden changes in bank accounts, such as large withdrawals from a person's account by a caregiver.
- **Expanding Training Opportunities.** Together, the court system and APS can identify or develop cross-training opportunities to learn about each other's roles and responsibilities and what supports can be provided to vulnerable adults. Together, court systems and APS can investigate creating trainings that provide CLE/CJE credits.

For more information, please visit PartneringToProtect.org.



TEXAS
Department of Family
and Protective Services
Adult Protective Services