



COMMONWEALTH OF VIRGINIA
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

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Manual - Adult Protective Services Division Manual

Transmittal # - DARS-APSD-1

The following acronyms are used in this transmittal:

AFC-Adult Foster Care
AG-Auxiliary Grant
ALF-Assisted Living Facility
APS-Adult Protective Services
AS-Adult Services
DARS-Department for Aging and Rehabilitative Services
DSS-Department of Social Services
HB-House Bill
LDSS-Local Department of Social Services
SB-Senate Bill

The purpose of this transmittal is to provide revised guidance on the Adult Protective Services Division (APSD) Manual. Unless otherwise stated, the provisions included in this transmittal are effective upon receipt.

This transmittal and manual are available on SPARK at
<http://www.localagency.dss.state.va.us/divisions/dfs/as/manual.cgi>.

The APSD Regulations were renumbered in October 2013. Updated regulation numbers have been incorporated into content in each chapter where appropriate.

Other significant changes to the manual are as follows:

Chapter 1, "Introduction"	
Section	Significant Changes
Entire Chapter	<p>Changed Code of Virginia citations and terminology pursuant to SB 678 (2012) which moved the AS, APS and AG Programs from DSS to DARS effective July 1, 2013.</p> <p>Changed Adult Services Program to Adult Protective Services Division.</p>
1.1	<p>Removed definitions that were used in Family Based Social Services (22 VAC40-800), as that regulation was repealed in November 2012.</p> <p>Clarified the definition of adult related to the provision of APS.</p> <p>Added and amended definitions pursuant to SB 678 (2012).</p>
1.2	Clarified organization of Department pursuant to SB 678 (2012).
1.3	Clarified the state agency that oversees APS Division programs pursuant to SB 678 (2012).
1.14	Removed statement that ASAPS is in continuous development.
1.15.5	Clarified guidance on Preadmission Screenings pursuant to HB 890 (2014). HB 890 has an emergency enactment clause.
1.17	Clarified guidance regarding service appeals pursuant to SB 678 (2012).
1.19	<p>Added section describing APS Minimum Training Standards.</p> <p>Clarified that Training Standards are for adult protective services workers pursuant to HB 890 (2014) which struck the reference to "social worker" in 51.5-148. HB 890 has an emergency enactment clause.</p>
Appendix A	Updated website information.
Appendix B	Updated address for APS Division and contact information for APS Division Staff.
Chapter 2, "Adult Protective Services"	
Section	Significant Changes
Entire Chapter	Changed Code of Virginia citations and terminology pursuant to SB 678 (2012) which moved the AS, APS and AG Programs from DSS to DARS effective July 1, 2013.

	Changed Adult Services Program Regional Consultant to Adult Protective Services Division Regional Consultant.
2.4	Updated guidance on the submission of the annual guardian report pursuant to HB 2191 (2013).
2.5.2	Clarified section heading and added text that refers to another section for additional guidance.
2.5.3.1	Added text to introduce Code citations that follow.
2.5.3.4	Corrected location of Mandated Reporter information on the DSS website.
2.5.3.8.11	Updated guidance on submission of the annual guardian report pursuant to HB 2191 (2013). Clarified guidance to comport with guidance in Chapter 7, Guardianship and Conservatorship.
2.8.1	Added reference to Appendix L for additional guidance.
2.9.4	Added guidance on selecting the correct APS case status.
2.9.5	Added guidance on entering an invalid report.
2.12	Clarified section heading.
2.12.3	Clarified guidance on handling APS cases in which there is a conflict of interest.
2.13.2	Added content regarding requirement for mandated reporters to share information with the APS worker.
2.13.8.5	Clarified guidance related to the alleged perpetrator interview.
2.13.10	Added reference to section 2.5.4.5.
2.15.3.1	Added reference to Chapter 8, Right to Review and Broadcast #8023.
2.15.3.2	Added reference to Chapter 3.
2.15.3.3	Added reference to Chapter 8, Right to Review and Broadcast #8023.
2.15.3.4	Added reference to Chapter 8, Right to Review and Broadcast #8023.
2.15.3.5	Clarified guidance on unfounded disposition.
2.15.3.6	Clarified guidance and provides examples of invalid disposition.

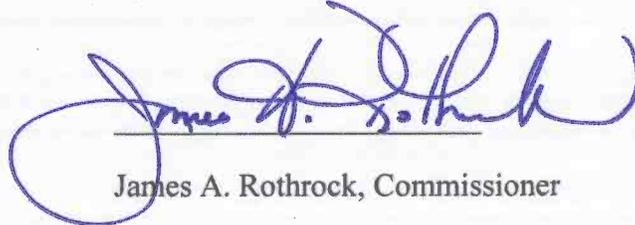
2.15.4	Added guidance about keeping APS reports open pending notification to alleged perpetrator.
2.16.1	Added heading.
2.16.2	Added guidance on notification to alleged perpetrator.
2.17	Referred to guidance in Chapter 3.
2.18.1	Added guidance on service provision to adult pending notification to alleged perpetrator.
2.18.3	Specified that an open case must have an active service plan and clarifies timeframes for development of the service plan.
2.18.9.2	Changed language in Code pursuant to HB 1423 (2013). Code change was grammatical only.
2.18.13.7	Clarified guidance regarding a closed service plan.
2.20.9	Clarified guidance regarding the length of time a person can be admitted to a mental health facility by a guardian or agent. Changed content from actual Code citation to plain text to improve clarity of guidance.
2.20.9.1	Clarified section heading and reorganized the content in the section.
2.20.16	Added information about financial exploitation of a mentally incapacitated person pursuant to HB 1682 (2013) and guidance on referring case to the Commonwealth's Attorney.
2.22	Clarified section heading.
2.28.4	Clarified in which state agency the State Ombudsman is located.
Appendix G	Updated contact information for agencies. Added contact information for new Prince William Ombudsman Program. Changed Virginia Office for Protection and Advocacy (VOPA) to disAbility Law Center of Virginia.
Appendix H	Added language that more closely aligns with the Code of Virginia to the "Sample Letter of Understanding." Removed language that referenced State Board of Social Services.

Appendix L	Added guidance on entering an invalid report into ASAPS.
Appendix O	Added information about financial exploitation of a mentally incapacitated person pursuant to HB 1682 (2013).
Chapter 3, "Case Management"	
Section	Significant Changes
Entire Chapter	<p>Changed Code of Virginia citations and terminology pursuant to SB 678 (2012) which moved the AS, APS and AG Programs from DSS to DARS effective July 1, 2013.</p> <p>Changed Adult Services Program Regional Consultant to Adult Protective Services Division Regional Consultant.</p>
3.2	Added and amended definitions pursuant to SB 678 (2012).
3.6.1	<p>Clarified reference to "adult with an impairment" to comport with definition in the Code of Virginia.</p> <p>Removed old definition.</p>
3.9.2	<p>Removed language stating that the UAI can be used for an initial assessment and reassessment for purposes of a preadmission screening.</p> <p>Clarified what sections need to be completed on the UAI short form.</p> <p>Clarified content regarding use of UAI for initial assessment and reassessment for assisted living facility assessments</p>
3.10.1	Changed length of time to develop and enter the service plan into ASAPS.
3.10.2.1	Referenced Chapter 2, Section 2.18.13.1 for information on service planning in APS cases.
3.22.4	Referenced Section 3.22.5 regarding early notification for certain actions.
Appendix A	Clarified names of forms
Appendix C	Updated guidance on the submission of the annual guardian report pursuant to HB 2191(2013).
Chapter 4, "Long Term Care Services"	
Section	Significant Changes
Entire Chapter	Changed Code of Virginia citations pursuant to SB 678 (2012) which moved the

	<p>AS, APS and AG Programs from DSS to DARS effective July 1, 2013.</p> <p>Changed Adult Services Program Regional Consultant to Adult Protective Services Division Regional Consultant.</p> <p>Incorporated guidance from the AFC manual into relevant sections in Chapter 4.</p>
4.2.3.4	Removed reference to Virginia Department of Social Services.
4.4.1	<p>Clarified guidance on the definition of an AFC home.</p> <p>Removed reference to AFC manual on SPARK.</p> <p>Added reference to Section 4.4.7.</p>
4.4.3.2	Clarified guidance on assessment process.
4.4.3.3	Clarified section heading and introductory guidance in section.
4.4.3.4	Clarified section heading and added reference to Chapter 5.
4.4.6.4	Made grammatical change.
4.4.8	Added guidance on AFC as an option for youth transitioning from child foster care.
4.6.1.1	Clarified guidance on Preadmission Screenings pursuant to HB 890 (2014) which has an emergency enactment clause.
4.6.3	Clarified guidance on Preadmission Screenings and Medicaid applications.
Appendix B	Added guidance on children aging out of foster care.
Chapter 5, "Adult Services Providers"	
Section	Significant Changes
Entire Chapter	Changed Adult Services Program Regional Consultant to Adult Protective Services Division Regional Consultant.
5.2	Amended definitions pursuant to SB 678 (2012).
Chapter 6, "Confidentiality"	
Entire Chapter	Amended guidance and citations pursuant to SB 678 (2012).
Chapter 7, "Guardianship and Conservatorship"	
Section	Significant Changes

Entire Chapter	Updated guidance regarding filing the guardian report pursuant to HB 2191 (2013). Changed Adult Services Program Regional Consultant to Adult Protective Services Division Regional Consultant.
7.2.8.6	Updated language in 64.2-2002 of the Code of Virginia pursuant to SB 759 (2013).
7.2.8.7	Added new section describing the timeframe for a hearing pursuant to SB 759 (2013).
7.2.8.9	Added guidance on reimbursement to the petitioner or requirements that the petitioner pay costs for initiating a proceeding in bad faith pursuant to SB 759 (2013).
7.2.11	Clarifies that only the Circuit Court can terminate a guardianship order.
7.2.13	Clarified guidance on transferring the guardianship to another state.
7.3.2.1	Adds reference to section 7.2.13.
7.3.2.9	Clarified guidance on opening an APS case in ASAPs.
7.3.2.10	Clarified guidance regarding LDSS's actions when a guardian fails to file the annual report.
7.3.2.11	Adds guidance on transferring a guardianship case in ASAPs when the incapacitated adult relocates to another jurisdiction.
7.4.2	Added guidance regarding the powers of a conservator pursuant to SB 759 (2013).
Appendix C	Revised the guidelines for review of the annual guardian report form to comport with the updated layout of the form (Revised July 2013).

Questions about this transmittal should be directed to your APSD Regional Consultant.



James A. Rothrock, Commissioner