

KRS 209.020

ADULT

"Adult" means a person eighteen (18) years of age or older who, because of mental or physical dysfunctioning, is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services;

KRS 209.020

DEFINITION

PROTECTIVE SERVICES

"Protective services" means agency services undertaken with or on behalf of an adult in need of protective services who is being abused, neglected, or exploited. These services may include but are not limited to conducting investigations of complaints of possible abuse, neglect, or exploitation to ascertain whether or not the situation and condition of the adult in need of protective services warrants further action; social services aimed at preventing and remedying abuse, neglect, and exploitation; and services directed toward seeking legal determination of whether or not the adult in need of protective services has been abused, neglected, or exploited and to ensure that he or she obtains suitable care in or out of his or her home;

KRS 209.020 CARETAKER

"Caretaker" means an individual or institution who has been entrusted with or who has the responsibility for the care of the adult as a result of family relationship, or who has assumed the responsibility for the care of the adult person voluntarily or by contract, employment, legal duty, or agreement;

ABUSE

"Abuse" means the infliction of injury, sexual abuse, unreasonable confinement, intimidation, or punishment that results in physical pain or injury, including mental injury;

EXPLOITATION

"Exploitation" means obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources;

"Deception" means but is not limited to:

- (a) Creating or reinforcing a false impression, including a false impression as to law, value, intention, or other state of mind;
- (b) Preventing another from acquiring information that would affect his or her judgment of a transaction; or
- (c) Failing to correct a false impression that the deceiver previously created or reinforced, or that the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;

NEGLECT

"Neglect" means a situation in which an adult is unable to perform or obtain for himself or herself the goods or services that are necessary to maintain his or her health or welfare, or the deprivation of services by a caretaker that are necessary to maintain the health and welfare of an adult; and

Involuntary Services

All adults are offered protective services and may accept or refuse services. If it is determined an adult as defined in KRS 209 lacks the capacity to consent to services and is living in conditions, which create a substantial risk of death or could cause immediate and serious physical harm to himself or others, the SSW assesses the need for involuntary protective services and requests the least restrictive intervention as explained in Chapter 25 APS Court.

General Adult Services

Adult protective services also provides general adult services which are voluntary, preventive services aimed at assisting an adult in attaining and functioning at their highest level of self-sufficiency and autonomy; and in maintaining the adult in the community. General adult services may be requested by the adult or at the direction of an adult, who is in need of services.

General Adult includes:

Court ordered services/guardianship assessments

Court ordered home evaluations

65 years and older

Investigations

"Investigation" shall include but is not limited to:

- (a) A personal interview with the individual reported to be abused, neglected, or exploited. When abuse or neglect is allegedly the cause of death, a coroner's or doctor's report shall be examined as part of the investigation;
- (b) An assessment of individual and environmental risk and safety factors;
- (c) Identification of the perpetrator, if possible; and
- (d) Identification by the Office of Inspector General of instances of failure by an administrator or management personnel of a regulated or licensed facility to adopt or enforce appropriate policies and procedures, if that failure