

# **The Challenge of Self Neglect DHS Video Training August 11, 2011**

## **Hennepin County Adult Protection Services**

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## **Learning Objectives**

- To examine the legal definitions and ethical issues relating to self neglect
- To explore a framework for engaging resistant clients
- To present a case example outlining practical tips and intervention strategies

## **Implications for Practice**

- Is self neglect a form of elder mistreatment?
- Does it require that the neglecter lack capacity – if so, which capacities?
- How do we assess capacity and executive functioning?
- How do we gain the trust and cooperation of a client who is self neglecting?

## **Definitions of Self Neglect**

- Single universal factor is the need for protection from harm
- Behaviors of an elderly person that threaten the elder's health or safety

*\*National Center on Elder Abuse*

## **Definitions (continued)**

- “An adult’s inability, due to physical or mental impairment or diminished capacity to perform essential self-care tasks including –
  - a) Obtaining essential food, clothing, shelter and medical care
  - b) Obtaining goods and services necessary to maintain physical health, mental health or general safety, or
  - c) managing one’s own financial affairs”

*\*Elder Justice Act (HR 1783, S. 1070)*

### **Definition of Self Neglect National Association of Adult Protective Services Administrators, 1991**

- “Self-neglect is the result of an adult’s inability, due to physical and/or mental impairments or diminished capacity, to perform essential self-care tasks including: providing essential food, clothing, shelter, and medical care; obtaining goods and services necessary to maintain physical health, mental health, emotional well-being and general safety; and/or managing financial affairs.”

**Definition of Self Neglect**  
**Minnesota Vulnerable Adult Law**  
**Minn. Stat. 626.5572, Subd. 17 (b)**

- “The absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult.”

## **Prevalence of Self-Neglect**

- Estimates from the U. S. Select Committee on Aging show that four percent of the elderly population are at risk of self-neglect.
- By 2030, this number will exceed 1 million.

# **Incidence and Reporting of Elder Abuse**

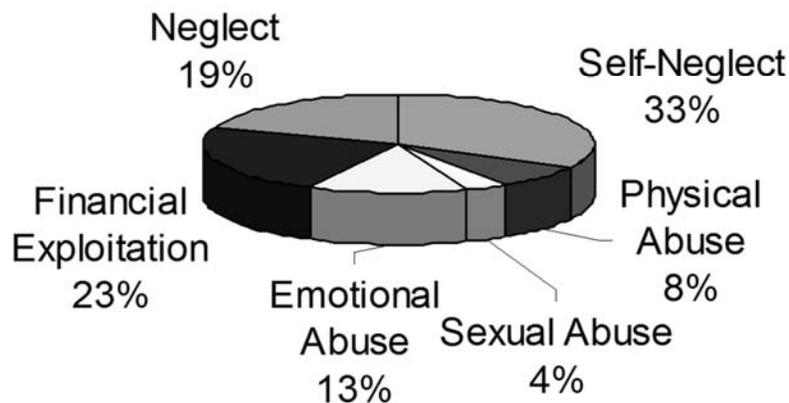
- Difficult to estimate because not all states have a statutory definition. Only 10 states define self-neglect.
  - Alaska, Colorado, Louisiana, Maryland, New Hampshire, New York, Utah, Washington, D.C., Wisconsin & Wyoming
- Not all Adult Protection Programs handle self-neglect.

## **Incidence of Self-Neglect (cont.)**

- Self neglect is the most commonly reported type of elder mistreatment in the United States.
- 39% of all Adult Protection investigations conducted nationally are for self neglect.

\* Teaster, 2003, 2000 Survey of State Adult Protective Services

# Hennepin County Adult Protection Services CEP Reports 2010



## Causes of Self Neglect

- There is no one accepted theory that explains self neglect among the elderly.
- GAO Report 2011 outlines risk factors
  - physical impairment
  - mental health problems
  - cognitive impairment
  - lack of adequate social support

# Legal and Ethical Issues

- When should the Government check on you?
- When is a report to Adult Protection needed versus voluntary intervention?
- How do we balance the duty to protect the safety of the vulnerable adult with the adult's right to self determination?

## Ethical Principles

- Right to Self-Determination
  - Autonomy vs. beneficence
- Right to Folly
  - Right to make mistakes
- Right to Privacy
- Parens Patriae
  - Duty of the state to protect

# **Legal and Ethical Principles of Intervention: A Continuum**

- Individual voluntarily cooperates
- Involvement of family and informal support systems
- Arrangement of formal services
- Legal remedies
  - Transport hold; Physician's hold; guardianship/conservatorship; commitment

## **Assessing Client Mental Capacity**

- Can the client make decisions about self care and follow through on a plan for protection?
- Does the person understand the risks and consequences of his/her situation?

# Assessing Client Mental Capacity (cont.)

<p><b>COMPETENT AND ACCEPTS SERVICES</b></p> <ul style="list-style-type: none"> <li>• Good Outcome. Work with the client.</li> </ul>	<p><b>COMPETENT AND REFUSES SERVICES</b></p> <ul style="list-style-type: none"> <li>• Respect client's right to refuse services and leave person alone</li> </ul>
<p><b>INCOMPETENT AND ACCEPTS SERVICES</b></p> <ul style="list-style-type: none"> <li>• Work with client to extent legally possible. Involve family if available.</li> </ul>	<p><b>INCOMPETENT AND REFUSES SERVICES</b></p> <ul style="list-style-type: none"> <li>• <b>State may have a duty to act</b></li> <li>• <b>May need legal intervention such as guardianship or commitment</b></li> </ul>

## Duties of County Social Services

- Investigate reports of maltreatment
  - Lead Investigative Agency (County Adult Protection)
  
- Provide protective services
  - Can be provided by Adult Protection or
  - By other county or contracted social service staff

# Investigation by Lead Agency

- Notify reporter of initial disposition within five (5) days, if requested
- An investigation is an objective fact-finding endeavor
- Assess status of a victim: Is (s)he a Vulnerable Adult?
- Gather evidence
  - Interview victim, perpetrator, witnesses, collateral's regarding maltreatment
  - Examine records and consult with experts

## Investigation by Lead Agency (cont)

- Make final disposition (finding) within 60 days
  - Substantiated, inconclusive, false
  - Preponderance of evidence standard
  - Individual or facility responsibility
    - Notify victim, guardian, & perpetrator in writing
- Substantiated perpetrators have reconsideration and appeal rights
- DHS maintains a register of substantiated perps.

# Why Investigate Self-Neglect?

- Compliance with VA Law
- Allows for access to facility records
- Allows consultations with experts
- Establishes a baseline
- Guides the intervention
- May be used to support court activity
- Useful in future interventions

# What are Protective Services

- Social Services
- Medical Services
- Legal Services
- Law Enforcement Services

# How are Protective Services Provided?

- Step One: Assessment
- Step Two: Engaging the Client
- Step Three: Use of Involuntary Services When Necessary

## Special Services: When to Call

- 911: Immediate danger
- Housing Inspectors/EnvironmentalHealth
  - A clean up is necessary and the client cannot/will not cooperate
- Crisis Mental Health Services
  - Assessment is needed
  - Hold Order may be necessary

# Client Resistance

- All clients are ambivalent about change.
- “Resistant client behavior seems....to conform to Newton’s third law of motion: For every force there is an equal and opposite counterforce.” (Mitchell, p10)

## The Positive Side of Resistance

- Prevents chaos and confusion, changing with each new idea presented.
- Resistance provides stability.
- Prevents being the victim of charlatans and sociopathic con artists.
- Prevents us from buying every product presented in commercials and infomercials.

## The Positive Side of Resistance

- Can be an indicator client is fighting against an unjust system and oppression.
- Can be sign of good judgment and mental health.
- Without resistance, there would be no sense of self.

## The Positive Side of Resistance

- “Food for thought: Would you rather have a client that does everything you suggest, or would you rather have a client that takes time to adjust to new ideas? Which is more frightening?”

(Clifton W. Mitchell, PhD, pages 14-15)

# Resistance

- There are two types of resistance:
  - Client is struggling “inside”
  - Worker error

## Sources of “Inner” Resistance

- Fear
- Lack of Awareness/Knowledge/Skill
- Pathology

## Countering Resistance: Fear

- Listen to the client.
- Determine the root cause of the fear.
- Don't argue with the client.
- Acknowledge the client's experience.
- Develop a plan to counter the fear.

## Countering Resistance: Lack of Awareness

- Point out problem with clarity and respect.
- Discuss consequences with client if authority figures are involved.
- Offer a plan of assistance.
- Negotiate an action plan with the client.
- Offer positive reinforcement.
- Build on successes.

## Countering Resistance: Pathology

- Be concrete in identifying the problem.
- Discuss boundaries.
- Negotiate services with the client.
- Bring in authority figures as necessary, ie police, housing inspectors, mental health personnel.

## Countering Resistance: Things to Remember

- Always be respectful.
- Listen to the client.
- Do not move too fast.
- Problem solve.
- Identify other resources that can be used.
- Follow through on any commitments.
- Set limits.
- Remain calm and professional.
- Don't abandon the client.

# Categories of Self Neglect

- Unable to meet basic needs
- Non-compliant with medical care and treatment
- Loss of housing
- Danger to self
- Danger to others

# Handling Crisis Situations

- Having a crisis plan **before** the crisis
- Knowing who to involve in the plan
- Assessing mental capacity
- Deciding if a client can live at home
- Use of legal intervention
- When to “step back” and monitor

## Handling Crisis Situations (cont)

- Crisis as an opportunity for + change
- Dealing with the police and other persons in authority
- Hospital admissions
- The importance of relationship building with the client

## Importance of the First Contact

- !!! The first five minutes may be the most important time you spend with your client.
- The most productive interview may be the shortest.
- Primary objectives of the interview:
  - deal with any emergency
  - secure information & do assessment
  - set the “tone” for future visits

## Importance of the First Contact (cont)

- How to structure the interview for the best long term results:
  - Keep it short!
  - Don't lecture.
  - Don't confront.
  - Don't give too much information.

## Importance of First Contact (cont)

- Ways to show concern, respect & empathy in a limited time.
- Know when to leave.
- Leave on Good Terms.
- Find a Reason to Return.
- Techniques and Case Examples.

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