

**CHAPTER 411
DIVISION 20**

ADULT PROTECTIVE SERVICES – GENERAL

411-020-0000 Definition of "Protective Service"

(Renumbered from OAR 461-011-0000 10/1/1981)

"Protective Service" is defined as a service to be provided in response to the need for protection from harm or neglect to an aged, disabled, or blind person 18 years of age or older.

411-020-0005 Services Included

(Renumbered from OAR 461-011-0005 10/1/1981)

Protective Services include:

- (1) Providing prompt response and investigation upon request of adults at risk or other persons acting on their behalf.
- (2) Diagnosing the individual's situation and service needs.
- (3) Providing counseling to such adults; their families; other responsible persons; or to surrogates, such as representative payees, on handling affairs of such adults.
- (4) Assisting in or arranging for appropriate alternate living arrangement in the community or in an institution.
- (5) Assisting in the location of medical care, legal services, and other resources in the community.
- (6) Assisting in or arranging for guardianship, commitment, or other protective placement as needed.
- (7) Providing advocacy to assure receipt of rights and entitlements due to adults at risk.

(8) Identifying such adults who need assistance or who have no one willing and able to assist them responsibly.

411-020-0010 Responsibilities

(Renumbered from OAR 461-011-0010 10/1/1981)

(1) The Mental Health Division or its contractors have responsibility for protective services for the adult mentally retarded/developmentally disabled and chronically mentally/emotionally disturbed adults for whom the Division or its contractors have case management responsibility.

(2) The Mental Health Division has case management responsibility for persons whose primary disability is chronic mental or emotional disturbance if they are:

(a) Served by certain sheltered workshops if they live in their own home or live with a relative who does not receive foster care payment; or

(b) Served by a licensed residential care facility for the mentally or emotionally disturbed; or

(c) Served by a satellite apartment program; or

(d) In state hospitals awaiting placement in (a), (b), or (c).

(3) The Senior Services Division is responsible for protective services for the adult population not provided case management services by the Mental Health Division or its contractors.

411-020-0015 Eligibility Criteria

(Renumbered from OAR 461-011-0015 10/1/1981)

Protective services are available for individuals who meet the following criteria:

(1) Eighteen years of age or older; and

- (2) Unable to protect his/her own interests; and
- (3) Harmed or threatened with harm through action or interaction by another individual; or
- (4) Harmed or threatened with harm due to the client's actions because of ignorance, incompetence, poor health; or
- (5) Harmed or threatened with harm, resulting in physical or mental injury, or maltreatment; or
- (6) Harmed or threatened with harm due to failure to receive adequate food, shelter, clothing, deprivation of entitlements due the client, or wasting of the client's resources.