by Linda Ostreicher
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There are grownups that are more vulnerable than children, because they have no one to look after them. Some can't get out of bed or go to the bathroom on their own; others can't buy food, cook, or eat without help. They may be forced to rely on someone who hurts or steals from them. Some are months behind on their rent, even though they qualify for assistance, because they don't know how to use the welfare system. Others have money to pay their bills, but forget how or when to write checks.

These are the people who need Adult Protective Services, a small unit within New York City's enormous Human Resources Administration. Every few years, someone discovers that vulnerable adults in need are being told they aren't disabled, isolated, or abused enough to be helped.

In January 2005, Public Advocate Betsy Gotbaum joined with the Visiting Doctors Program of Mount Sinai Hospital to challenge Adult Protective Services' dangerously slow process of deciding who needs its services, and its overzealous weeding out of "ineligible" applicants. In one example cited by Gotbaum, a caseworker determined that a client did not need a guardian even though she was blind, psychotic, had no family or friends, couldn't tell anyone where her bank account was, and was unable to leave her home.

"A Laundry List Of Excuses" To Turn Away Clients

In 1999, a Brooklyn legal services agency sued Protective Services for Adults (the unit's former name) for systematically rejecting applicants who were entitled to its help. At that time, the unit was turning away patients or clients of other government or nonprofit agencies, hospitals, or adult homes. Protective Services claimed that the other organization could take charge of the client's financial and other needs; the lawsuit argued that a hospital, for example, could not become a financial planner for its patients.

In 2003 the New York Legal Assistance Group sued the city because clients were still being turned away for what Edward Josephson of South Brooklyn Legal Services called "a laundry list of excuses." The case, known as Vega vs. Eggleston, was settled in March 2005, when Adult Protective Services agreed to adopt new policies and practices to ensure that vulnerable applicants would receive help.

A few weeks later, Josephson's agency encountered a case he described as "a particularly

stupid example of the exact same thing that Vega is supposed to cut through." A client was turned down for services for a number of invalid reasons including, that "they said it wasn't really an eviction because she wasn't a tenant. She was a former owner of the property who had been defrauded and was being thrown out of her home. We called up and explained, and they said â€ Sorry, it's too late.' It wasn't too late for the court -- she wasn't thrown out yet -- but they had already made their decision." South Brooklyn Legal Services was able to assist this client because Josephson knew whom to contact: the New York Legal Assistance Group.

Over the past five years, Adult Protective Services has rejected three-quarters of the 56,750 referrals made to it. To reject a case, the city must determine either that a client is physically and mentally able to safely care for himself or herself, or that a friend, relative, or other adult could fulfill this responsibility.

Progress On Preventing Homelessness

When a person who is elderly or has a disability gets a Notice of Eviction, he or she can tell the City Marshal about their condition. This is supposed to delay the eviction for about two weeks, during which the marshal notifies Adult Protective Services, which then mails the tenant a letter with an invitation to call the agency for help.

In 2002, three out of five adult protection cases began when clients were threatened with eviction. Over the next two years, a rising number of eviction cases were rejected, so that by 2004, the agency turned away six out of seven people asking for help to avoid eviction.

The situation is so bad that the Department of Homeless Services is named as a co-defendant in the Vega vs. Eggleston case. As a result, the department included Adult Protective Services in its new action plan. One common-sense goal is that when people facing eviction go to Adult Protective Services for help, and they are turned down, they will be referred to the Department of Homeless Services. Another innovation is that when clients of Adult Protective Services caseworkers need anti-homelessness services, the Department will assist them. These measures sound obvious, but such cross-agency cooperation is difficult to coordinate.

From Eviction Protection To Financial Management

The city's Adult Protective Services unit provides specific kinds of help:

- eviction protection;
- heavy cleaning
- financial management
- help in accessing home care, medical care, and other public benefits
- arranging legal guardianship for people unable to protect themselves or their property.

More and more cases involve housing: the unit has the power to obtain back-rent payments for clients whose income will cover future rent costs. Very few people invite Adult Protective Services to step into their lives. Many clients are referred against their will, by doctors, nurses and caseworkers from private agencies who have tried every other source of help.

Once someone is brought to the agency's attention, caseworkers are required to visit the home of a client within 24 hours if there is "imminent risk of death," and within three days in all other cases. If a client is accepted, the caseworker must complete a written plan within 30 days, detailing the services a client needs. If hazardous conditions exist, the caseworker is supposed to request help within 10 days.

What can happen when services are delayed? In addition to eviction, according to Jeremy Boal of the Visiting Doctors Program, potential consequences include, “not taking lifesaving medications, putting themselves and others at risk by leaving the stove on, [or] people with Alzheimers wandering and putting themselves at risk.”

Too Little Training, Too Many Clients

Unfortunately, the settlement in Vega vs. Eggleston only addresses getting Adult Protective Services to accept more cases. Yet workers have long complained to advocates that they already have too many clients. As of June 2005, the unit reported having a total of 157 caseworkers serving 5,150 clients, for an average caseload of 33 people per worker.

“It’s very difficult to communicate with caseworkers,” says Dr. Boal. “We rarely get a call back.” Caseworkers are often in the field, and do not use cell phones. “Until recently, some of them didn’t even have voice mail,” he adds. Furthermore, “There is enormous variability in the skill set of caseworkers. A lot of great people are working very hard there, but there are some that are downright antagonistic.”

Melissa Brennan of the Public Advocate's Office said that the Human Resources Administration claimed to be "having difficulty installing a new voicemail system, but we're finding that caseworkers and even supervisors are still failing to return phone calls, even when the voicemail is working."

In 2001, advocates told the City Council that Adult Protective Services caseworkers were not able to win the trust of mentally ill clients, and therefore missed information critical to deciding whether to accept or continue a case. At that time, it often took a year to get a court decision on whether a client needed a guardian. Clients who were supposedly receiving financial management services were still being evicted, because the city took too long to pay their bills.

More recently, a client was found living alone, with no soap, toilet paper, or food, in a state of advanced dementia. In January 2004, a doctor recommended that she receive home help and a guardian. Adult Protective Services did not provide a home attendant until November, and had not yet arranged a guardian as of March 2005, when the Public Advocate exposed the case.

The Adult Protective Services unit has not caught up with its own technology. They now have a Web site where referrals can be made online 24 hours a day. However, the 2006 budget proposed by the mayor does not include any increase in staff for the unit. Without more and better-trained staff, taking on more clients will probably lead to services that are even slower and less effective.

Linda Ostreicher, a former budget analyst for the New York City Council and consultant to nonprofits, has been in charge of the Social Services topic page since November, 2001.Â