clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Thursday, December 31, 2020 5:13 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: DPHSS-Annual Report.pdf

12/31/20	5:07 PM	12/31/20	Bureau of Adult Protective Services' Annual Legislative Report for Fiscal Year 2020.	Department of Public Health and Social Services	35GL-20-2577

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

LOURDES A. LEON GUERRERO
GOVERNOR, MAGA'HÅGA'

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGA'LÅHI

ARTHUR U. SAN AGUSTIN, MHR
DIRECTOR

LAURENT SF DUENAS, MPH, BSN
DEPUTY DIRECTOR

TERRY G. AGUON
DEPUTY DIRECTOR

DEC 3 1 2020

35GL-20-2577
Speaker Tina Rose Muña Barnes

DEC 3 1 2020
Time 5:07 ( )AM (X)PM
Received By: MaH

Honorable Tina Muna Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guahan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

Dear Speaker Barnes:

In accordance with Public Law 31-278, enclosed is the Bureau of Adult Protective Services' Annual Legislative Report for Fiscal Year 2020.

Should you have any questions, you may contact Ms. Charlene D. San Nicolas, MPA Acting, Senior Citizens Administrator for the Division of Senior Citizens at 735-7421 or 735-7415.

ARTHUR U. SAN AGUSTIN, MHR
Director

Enclosure

xc: Director's Chrono
DSC – Administrator's File
DSC – BAPS File

Charlene D. San Nicolas

From: Jessica Cruz <jessica.cruz@guam.gov>
Sent: Thursday, December 31, 2020 4:38 PM
To: Charlene D. San Nicolas
Cc: Evelyn Manibusan; Alicia Guiking
Subject: Re: Bureau of Adult Protective Services' Annual Legislative Report for Fiscal Year 2020

Received, thank you.

Happy New Year!

On Thu, Dec 31, 2020 at 4:32 PM Charlene D. San Nicolas <Charlene.SanNicolas@dphss.guam.gov> wrote:

Greetings Ms. Cruz,

Provided is the Bureau of Adult Protective Services' Annual Legislative Report for Fiscal

Year 2020 addressed to:

Governor of Guam

Lourdes A. Leon Guerrero

Please acknowledge receipt of this transmittal by confirming receipt. Should you have any questions, I may be reached at tel.

nos. 735-7415 or 735-7421.

Charlene D. San Nicolas, MPA

Acting Senior Citizens Administrator

Division of Senior Citizens

--

Jessica Cruz
Administrator
Central Files
Ufisinan I Maga'hågan Guahan
Office of the Governor of Guam
671-472-8931-6
Email: jessica.cruz@guam.gov

Charlene D. San Nicolas

From:	Kristina Baird <kbaird@guamcourts.org>
Sent:	Thursday, December 31, 2020 4:38 PM
To:	Charlene D. San Nicolas
Subject:	Fwd: Bureau of Adult Protective Services' Annual Legislative Report for Fiscal Year 2020
Attachments:	BAPS Annual Legislative Report (Supreme Court of Guam).pdf

Hi Charlene,

Please see the email below, which forwards the report to both the Chief Justice and the Presiding Judge. Hope you have a restful holiday weekend.

---------- Forwarded message ---------
From: **Kristina Baird** <kbaird@guamcourts.org>
Date: Thu, Dec 31, 2020 at 4:34 PM
Subject: Fwd: Bureau of Adult Protective Services' Annual Legislative Report for Fiscal Year 2020
To: Honorable F. Philip Carbullido <fpcarbullido@guamsupremecourt.com>, Presiding Judge Alberto C. Lamorena III <alamorenaiii@guamcourts.org>

Good Afternoon Chief Justice and Presiding Judge,

Ms. San Nicolas has requested that I provide both of you with a copy of the document below. If needed, I am able to provide a hard copy. Just let me know. Until then, wishing you both a Happy New Year.

---------- Forwarded message ---------
From: **Charlene D. San Nicolas** <Charlene.SanNicolas@dphss.guam.gov>
Date: Thu, Dec 31, 2020 at 4:25 PM
Subject: Bureau of Adult Protective Services' Annual Legislative Report for Fiscal Year 2020
To: kbaird@guamcourts.org <kbaird@guamcourts.org>
Cc: Evelyn Manibusan <Evelyn.Manibusan@dphss.guam.gov>, Alicia Guiking <Alicia.Guiking@dphss.guam.gov>

Greetings Kristina,

Provided is the Bureau of Adult Protective Services' Annual Legislative Report for Fiscal

Year 2020 addressed to:

Honorable F. Philip Carbullido

Supreme Court of Guam

Doc. No. 35GL-20-2577.*

Please acknowledge receipt of this transmittal by confirming receipt. Should you have any questions, I may be reached at tel.

nos. 735-7415 or 735-7421.

Charlene D. San Nicolas, MPA

Acting Senior Citizens Administrator

Division of Senior Citizens

--
Senseramente,

Kristina L. Baird
Administrator of the Courts
Judiciary of Guam
120 West O'Brien Drive
Hagatna, Guam 96910
T: (671) 475-3544 F:(671) 477-3184

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--
Senseramente,

Kristina L. Baird
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DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIVISION OF SENIOR CITIZENS



2020
BUREAU OF
ADULT PROTECTIVE SERVICES
ANNUAL REPORT

Doc. No. 35GL-20-2577.*

I. Description of the Activities of the Bureau and All Designated Agencies During the Preceding Year

The Bureau of Adult Protective Services (BAPS) is responsible for receiving and investigating all suspected reports of elderly or adults with a disability abuse or neglect. *Elderly* refers to a person age sixty (60) years or older. *Adult with a disability* is any person eighteen (18) years or older who has a physical or mental impairment which limits one (1) or more major life activities; or has a history of, or has been classified as having, an impairment which substantially limits one (1) or more major life activities. Major Life Activities include, but are not limited to: caring for oneself, performing manual tasks, standing, walking, seeing, hearing, eating, sleeping, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking and working.

The mission of the BAPS is to provide protective services to the elderly and adults with a disability in a manner least restrictive with respect to their dignity and in consideration of the values and practices of their culture.

On December 28, 2012, Public Law (P.L.) 31-278 updated Guam's Adult Protective Services (APS) mandates (P.L. 19-54 and P.L. 21-33). The updates of P.L. 31-278 refined the definitions for the types of abuse reported to APS; expanded the list of Mandated Reporters to include Emergency Medical Service (EMS) providers, non-emergency medical transport providers, medical and allied health providers, personnel of banking or financial institutions, pension providers and practicum students in the health and human services; defines the organizational and personnel structure of the Bureau of Adult Protective Services (BAPS); and in Sub-Section 2954, a new provision was added that created the BAPS Fund which provides for all fines collected from any person required by Subsections (a) and (b) of §2952 to report a case of suspected elderly or adult with a disability abuse and fails to make a report to APS, to be deposited into the Fund and shall be expended exclusively for purposes used to support the operations of the BAPS.

The primary function of the BAPS social workers is case investigation. Upon receiving a referral of alleged abuse or neglect, the social worker(s) meets with the client to assess the situation and proceeds with investigating the allegation(s) of abuse or neglect and develops a case plan which addresses the client's needs in order to intervene if not resolve the abusive situation. Intervention strategies used by the social workers include: crisis intervention, education, protective shelter, multi-disciplinary team meetings, individual and family sessions, and networking and collaborating with other government and private agencies to provide formal support services. Another key function is outreach and prevention efforts. Outreach presentations are provided to educate and inform government, private and non-profit entities, and the general public of the services available through the BAPS for the prevention of elderly and adults with a disability abuse and neglect.



Further, BAPS administers the Guma Serenidad Program, formerly known as the Emergency Receiving Home, through a contract agreement with Catholic Social Service (CSS) for the Comprehensive Management, Operations, and Maintenance of Protective Services and a 24-hour Crisis Intervention Hotline (CIH) for seniors, age 60 and older, and adults with a disability, age 18-59, who are victims or alleged victims of abuse and are in immediate or imminent danger and require temporary shelter and support to protect them from further abuse or neglect. The contract between the Department of Public Health and Social Services, Division of Senior Citizens (DPHSS, DSC) and CSS became effective January 1, 2016, upon award of Invitation for Bid No. GSA-003-16 to CSS for a period of 60 months or five (5) years; on a year-to-year basis. In FY 2020, the service period of October 1, 2019 through September 30, 2020 covers months 46 through 57 of the 60-month agreement between DPHSS and CSS.

The Crisis Intervention Hotline (CIH) receives, responds, and manages reports of suspected elderly or adults with disability abuse and neglect. BAPS referrals received by the CIH between the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday, except on recognized Government of Guam holidays and weekends, are forwarded to the BAPS for investigation, and referrals received after 4:30 p.m., Mondays through Friday and on recognized Government of Guam holidays and weekends are managed by Guma Serenidad staff.

BAPS also administers the Office of the Long-Term Care Ombudsman and activities related to Elder Abuse Prevention, Title VII programs. The Office of the Ombudsman provides services to the elderly at St. Dominic's Senior Care Home, Guam Memorial Hospital Authority Skilled Nursing Unit (GMHA/SNU) and the three Adult Day Care Centers. The Ombudsman visits elderly residents to meet with them and/or their family members to address, advocate, and resolve concerns for the protection of the resident's health, safety, and welfare while ensuring the rights of residents are safeguarded.

FY 2020 opened with the BAPS staffed with two Social Worker III's and a Social Service Supervisor I, hired during the first quarter of FY2020. The third BAPS Social Worker III to fill the position vacated by Ms. Nilda Orencia was announced and a selection made in October, 2019, to date the position remains unfilled. During the second quarter of the fiscal year, the BAPS lost yet another Social Worker III with Ms. Rosemarie Hermoso resigning from her position in March, 2020. The Bureau is staffed with only one (1) Social Worker III and the Social Service Supervisor to carry out its duties and mandated responsibilities for the remaining months of FY 2020.

The BAPS along with our community was faced with an Emergency Declaration towards the end of the second quarter of FY2020. The Emergency Declaration that the department and the BAPS faced was now a Pandemic of local and global proportions, the COVID-19 virus. The Emergency Declaration placed certain restrictions on how business was conducted. The use of face masks, use of hand sanitizers, the need to maintain social distance of six (6) feet apart outlined how response time and responses to conducting investigations of abuse and neglect were changed in response to the mitigation measures required of staff and those served.
The COVID-19 virus was known to attack our most vulnerable populations, the elderly and

individuals with disabilities. The BAPS began the Pandemic with only one (1) Social Worker III to address all issues of abuse and neglect that have been referred to the Division of Senior Citizens. During the third quarter of FY2020 during the month of May, the BAPS saw a dramatic decrease in referrals, this is due in part by the restrictions that were placed on our community due to the Pandemic. Our Senior Centers and Adult Day Care Centers were closed during the initial Emergency Declaration and to the end of FY2020 remain closed to service our elderly population. The BAPS relied on telephone contacts with those who were referred, so as to maintain compliance with the Executive Order signed by our Governor. The BAPS assessed through telephone contacts those whom were referred for services keeping compliance with their response to the mandates of the BAPS.

OUTREACH AND ADVOCACY:

BAPS actively participated in several outreach activities in FY 2020 which include:

1. *Title III Aging Programs and Bureau of Adult Protective Services Orientation Presentation* on October 05, 2019 an Annual Event coordinated by the Division of Senior Citizens and held to raise community awareness on Title III Aging Programs and services through the Adult Protective Services;

2. *Presentation on Adult Protective Services at the Hilton Resort and Spa* on October 09, 2019. Presentation for the Guam Coalition Against Sexual Assault and Family Violence.

3. *Presentation on Adult Protective Services at the Karidat Common Area* on October 17, 2019 presented to Catholic Social Service employees.

4. *Ombudsman/Bureau of Adult Protective Services Presentation* on October 17, 2019 presentation to the participants and staff of the Adult Day Care Center South – Inarajan.

5. *Presentation on Adult Protective Services at Guam Memorial Hospital Authority – Skilled Nursing Unit* in Barrigada on October 22, 2019 presented to the staff of the Skilled Nursing Unit.

6. *Presentation on Adult Protective Services at the Catholic Social Service Conference Room* on October 24, 2019 presented to Karidat Program, Respite Care Program and Guam Cancer Trust employees.

7. *Ombudsman/Bureau of Adult Protective Services Presentation* on October 31, 2019 presentation to the patients of the Skilled Nursing Unit.

8. *Ombudsman/Bureau of Adult Protective Services Presentation* on October 31, 2019 presentation to the residents of St. Dominic's Senior Care Home.

9. *Ombudsman/Bureau of Adult Protective Services Presentation* on November 21, 2019

presentation to the participants and staff of Adult Day Care Center – North (Macheche).

10. *Ombudsman/Bureau of Adult Protective Services Presentation* on November 21, 2019 presentation to the participants of the Dementia Center in Yigo.

11. *Ombudsman/Bureau of Adult Protective Services Presentation* on November 26, 2019 presentation to the residents of St. Dominic's Senior Care Home.

12. *Presentation on Adult Protective Services at Guam Memorial Hospital Authority – Skilled Nursing Unit* in Barrigada on January 10, 2020 presented to the staff of the Skilled Nursing Unit.

13. *Presentation on Adult Protective Services at the Community First Bank – Mangilao Branch* on January 24, 2020 presented to the staff of the Mangilao Branch Office.

14. *Ombudsman/Bureau of Adult Protective Services Presentation* on February 27, 2020 Presentation to the participants and staff at the Adult Day Care Center (Central).

Listed in **Table 1. Outreach Activities.** are the outreach events participated by BAPS, which provided the Bureau the opportunity to disseminate information on aging services and educational brochures on APS and the Ombudsman Program to a total of 358 participants.

Table 1. Outreach Activities.

Event Title	Date/Location/Time	Sponsoring Agencies/Organizations	Number of Outreach Participants
Title III Aging Programs and the Bureau of Adult Protective Services Orientation	October 05, 2019 Division of Senior Citizens Conference Room 10:00 am	Division of Senior Citizens	32
Bureau of Adult Protective Services Presentation	October 09, 2019 Hilton Resort and Spa 3:00 pm – 4:00 pm	Guam Coalition Against Sexual Assault and Family Violence	10
Bureau of Adult Protective Services Presentation	October 17, 2019 Catholic Social Service 9:00 am – 10:00 am	Catholic Social Service	29
Ombudsman/Bureau of Adult Protective Services Presentation	October 17, 2019 Adult Day Care Center South – Inarajan 10:00 am	Mayors' Council of Guam	20
Bureau of Adult Protective Services	October 22, 2019 GMHA – Skilled Nursing	Guam Memorial Hospital Authority	33

Presentation	Unit 7:30 am		
Bureau of Adult Protective Services Presentation	October 24, 2019 Catholic Social Service Conference Room 3:00 pm	Catholic Social Service	38
Ombudsman/Bureau of Adult Protective Services Presentation	October 31, 2019 Skilled Nursing Unit 10:30 am	Guam Memorial Hospital Authority	8
Ombudsman/Bureau of Adult Protective Services Presentation	October 31, 2019 St. Dominic's Senior Care Home 9:30 am	St. Dominic's Senior Care Home	29
Ombudsman/Bureau of Adult Protective Services Presentation	November 21, 2019 Adult Day Care Center – North (Macheche) 9:30 am	Mayor's Council of Guam	40
Ombudsman/Bureau of Adult Protective Services Presentation	November 21, 2019 Dementia Center – Yigo 10:30	Mayor's Council of Guam	17
Ombudsman/Bureau of Adult Protective Services Presentation	November 26, 2019 St. Dominic's Senior Care Home 9:30 am	St. Dominic's Senior Care Home	23
Bureau of Adult Protective Services Presentation	January 10, 2020 Skilled Nursing Unit 2:00 pm	Guam Memorial Hospital Authority	36
Bureau of Adult Protective Service Presentation	January 24, 2020 Community First Bank 8:30 am	Community First Bank – Mangilao Branch	14
Bureau of Adult Protective Services Presentation	February 27, 2020 Adult Day Care Center – Central 10:30 am	Mayor's Council of Guam	29
		Total Participants for all Outreach Events	**358**

BAPS also conducted 221 awareness presentations to agencies and individuals who deliver services to seniors and adults with a disability in the community, to include home-based and facility-based settings such as the Guam Coalition Against Sexual Assault & Family Violence, Catholic Social Service, Guam Memorial Hospital/Skilled Nursing Unit, Community First Bank and the Mayor's Council of Guam.

Additionally, the Ombudsman made visits to St. Dominic's Senior Care Home, GMHA/SNU, and

Doc. No. 35GL-20-2577.*

the three Adult Day Care Centers. A total of 137 awareness presentations were conducted at the aforementioned sites for residents, clients, family members, caregivers and staff.

II. Statistical Information on the Number and Types of Reports Received During the Year for BAPS

Bureau of Adult Protective Services (BAPS): In FY 2020, the BAPS responded to 269 Unduplicated Referrals/Intakes, averaging 22 cases per month. Of the 269 Referrals/Intakes received 261 were determined to be appropriate for investigation by BAPS and 8 were determined to be an Inappropriate Referral/Intake. The Referrals/Intakes received by the BAPS are categorized as Elderly, Elderly with a Disability and Adult with a Disability as illustrated in **Table 2. Types of Referrals.**

Of the 261 appropriate Referrals/Intakes received:

- 208 or 80% were Elderly [comprised of Elderly and Elderly with a Disability (Dual)]
- 53 or 20% were Adults with a Disability

Table 2. Types of Referrals.

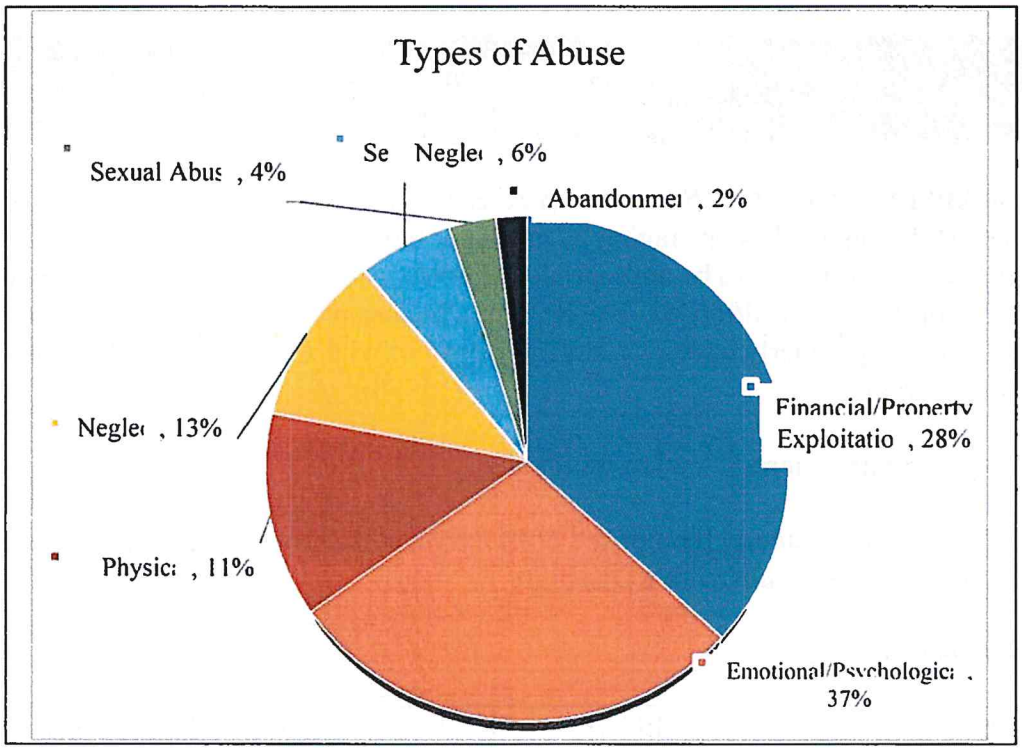
Referral Type	Elderly	Elderly with a Disability	Adult with a Disability	Year-to-Date
Emotional/Psychological Abuse	48	34	15	97
Financial/Property Exploitation	37	27	10	74
Neglect	13	14	8	35
Physical Abuse	7	9	12	28
Self-Neglect	5	9	1	15
Sexual Abuse	1	0	7	8
Abandonment	0	4	0	4
Total Referrals	111	97	53	261

Of the 208 Elderly Referrals/Intakes investigated.

- 97 or 47% were Elderly with a Disability
- 111 or 53% were Elderly

A review of the 261 appropriate Referrals/Intakes received revealed the BAPS staff responded to a range of abuses against the elderly and adults with a disability. The 261 appropriate Referrals/Intakes as categorized by types of abuse are illustrated in **Figure 1. Types of Abuse.**

Figure 1. Types of Abuse.



Of the 261 appropriate Referrals/Intakes received:

- 97 or 37% were for Emotional/Psychological Abuse
- 74 or 28% were for Financial/Property Exploitation
- 35 or 13% were for Neglect
- 28 or 11% were for Physical Abuse
- 15 or 6% were for Self-Neglect
- 8 or 3% were for Sexual Abuse
- 4 or 2% were for Abandonment

Of the 261 case investigations conducted by BAPS, 4 or approximately 2% of the Referrals/Intakes received were substantiated and 257 or approximately 98% were determined inconclusive/unsubstantiated.

GUMA SERENIDAD PROGRAM: In FY 2020, the contracted Guma Serenidad program staff responded to 87 Unduplicated Referrals/Intakes, averaging approximately 7 cases per month. Of the 87 Unduplicated Referrals/Intakes received, 78 Referrals/Intakes received were appropriate Referrals/Intakes for investigation.

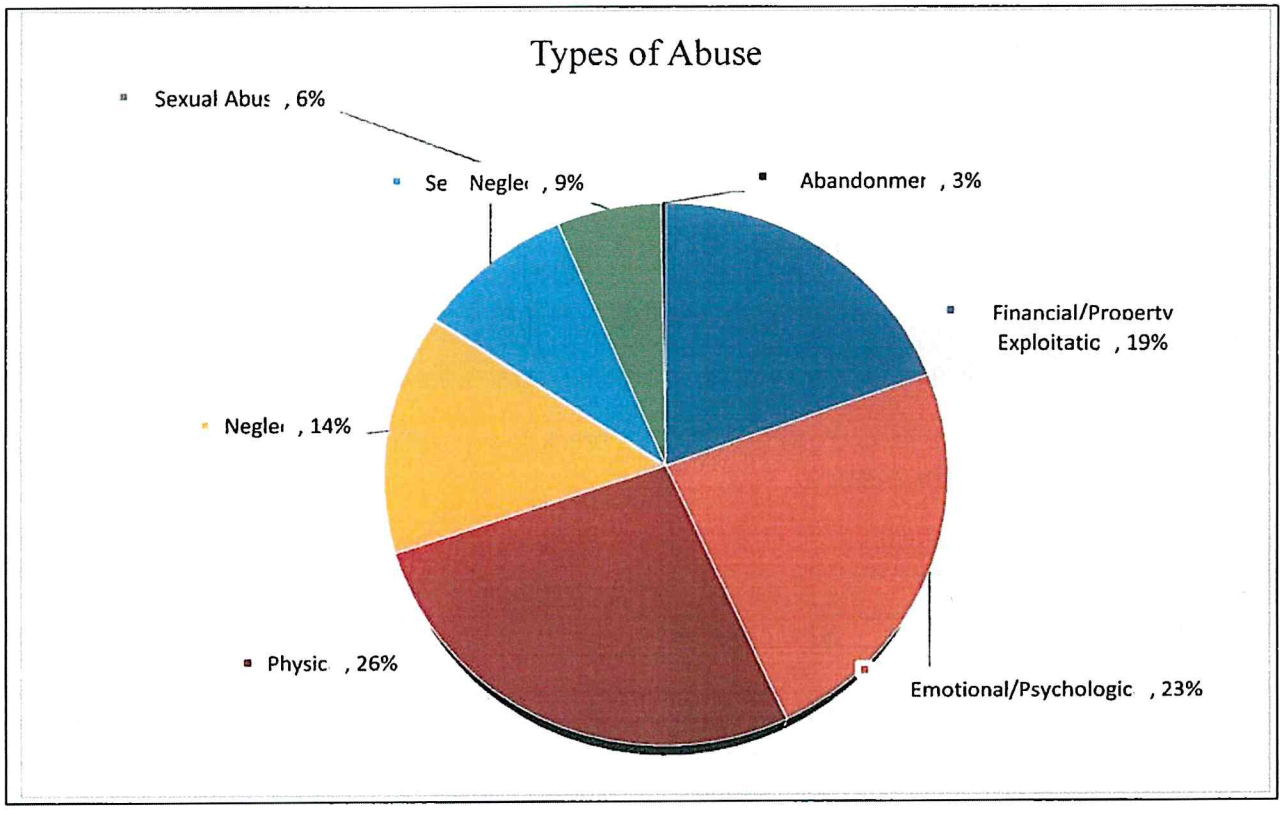
The 78 appropriate Referrals/Intakes received by Guma Serenidad are categorized as Elderly, Elderly with a Disability and Adult with a Disability as illustrated in **Table 3. Types of Referrals.**

Table 3. Types of Referrals

Referral Type	Elderly	Elderly with a Disability	Adult with a Disability	Year-to-Date
Financial/Property Exploitation	15	0	0	15
Emotional/Psychological Abuse	17	0	1	18
Physical Abuse	17	0	3	20
Neglect	10	0	1	11
Self-Neglect	7	0	0	7
Sexual Abuse	1	0	4	5
Abandonment	2	0	0	2
Total Referrals	69	0	9	78

A review of the 78 appropriate Referrals/Intakes received revealed the Guma Serenidad staff responded to a range of abuses against the elderly and adults with a disability. The 78 appropriate Referrals/Intakes as categorized by types of abuse are illustrated in **Figure 2. Types of Abuse.**

Figure 2. Types of Abuse



Of the 78 appropriate Referrals/Intakes received:

- 20 or 26% were for Physical Abuse
- 18 or 23% were for Emotional/Psychological Abuse
- 15 or 19% were for Financial/Property Exploitation
- 11 or 14% were for Neglect
- 7 or 9% were for Self-Neglect
- 5 or 6% were for Sexual Abuse
- 2 or 3% were for Abandonment

In FY 2020, the staff of the Guma Serenidad provided a total of 1,338 Units of Services as follows: 356 Hours of Case Management, 99 Hours of Personal Care; No Outreach provided; 89 Hotline Calls; 641 Meals Served and 153 Hours of Information and Assistance as illustrated in **Table 4. Guma Serenidad Units of Service.**

Table 4. Guma Serenidad Units of Service.

Fiscal Year 2020	**YTD Total**
Case Management	356
Personal Care Provided	99
Outreach *(COVID-19 Restrictions)*	0
Hotline Calls	89
Meals Provided	641
Information and Assistance	153
Total Units of Services Performed	**1,338**

III. Budget Information

Expenditures for FY 2020 totaled $871,488.00. A breakdown of FY 2020 expenditures is provided in **Table 5. Expenditures.**

Table 5. Expenditures.

Item	**Expenditures**	**Percentage**
Salaries	$246,060.00	28%
Benefits	$96,131.00	11%
Contractual Service	$527,877.00	61%
Supplies	$1,420.00	0%
Total	$871,488.00	100%

IV. Information on the Quality of Services Provided and the Results of Such Service in Terms of Alleviating Abuse

Currently, the BAPS continues to meet the mandates of Public Law 31-278 by providing intervention in abusive situations and assisting clients and their families in obtaining supportive social services, as practicable. Oftentimes, the BAPS serves as the entry point into Guam's long-term services and support system for elderly or adults with disabilities. It is the experience of the BAPS social workers that abuse and neglect are not always intentional, but rather caused by caregiver stress and a lack of knowledge on how to care for their elderly parents or family member who is an adult with a disability(ies). Through BAPS intervention, caregivers are provided with information on caregiving and linkage to relevant support systems. In most instances, the needs of the BAPS clients are met thus, alleviating the abusive situation. Cases which have been determined by BAPS that the elderly or adult with a disability had suffered serious abuse are forwarded to the Attorney General's Office for their review and disposition, there were five (5) cases that were investigated in FY 2020, of which were forwarded to the Attorney General for further disposition.

The BAPS addresses abuse from a social service as opposed to a law enforcement perspective. As such, this allows clients to make informed decisions as to how they can help themselves alleviate their abusive situation. The clients' basic right to self-determination is promoted while maintaining their integrity and dignity. Without the BAPS, the only recourse for elderly and adults with disabilities would be assistance from the Guam Police Department. Many incidences of abuse would not be addressed as BAPS clients are reluctant to use police enforcement as a means of resolution, especially in cases involving family members or their primary caregiver. Successful intervention is a continual learning experience of family dynamics, linking available community resources and having a neutral party facilitate through the emotionally laden journey; this has proven to be the most effective means for BAPS to serve their clients.

The BAPS has seen many families benefit from the interventions of our social workers. Families are provided with the tools necessary to understand each individual situation. The plans set forth by a social worker from the BAPS outlines the continued learning process in strengthening family dynamics with the ability to continue to work through some of the most difficult times in caring for an elderly individual, an adult with a disability or and elderly with a disability.

An important component of the BAPS is the Guma Serenidad/Crisis Intervention Hotline program. Through the Crisis Intervention Hotline, protective services are available seven days a week, 24 hours a day, ensuring that elderly and adults with disabilities have access to BAPS services at all times. Availability of the Guma Serenidad has proven essential to the safety of victims of abuse and neglect. The protective shelter affords a safe haven to clients who are in imminent danger. Without the shelter, clients of BAPS would probably remain in the abusive home environment or be placed into a homeless shelter until alternate living arrangements are made.

V. Identification of Problems That May Arise in the Implementation of This Article

1. Public Law 31-278 provides for mandated reporting of suspected elderly or adults with disabilities abuse or neglect for professionals who in the course of their employment come into contact with elderly and persons with disabilities. The law further provides immunity from liability for those individuals who make reports in good faith. However, the law does not provide sanctions for the falsifying of reports. During the course of case investigations, if it is determined by BAPS social workers that case referrals were not made in good faith, absent any provision for penalties for falsifying reports under this provision, there does not appear to be any means to discourage this action on the part of individuals committing such an act.

2. Public Law 31-278 does not address alleged perpetrators who refuse to cooperate in a BAPS investigation. Further, BAPS does not possess the authority to require alleged perpetrators to cooperate with BAPS investigations which is a contributing variable resulting in higher percentage of inconclusive/unsubstantiated case determinations.

3. Although P.L. 31-278 defines the types of abuses in the mandate, the mandate needs to add penalties for substantiated cases of abuse or neglect specific to elders or adults with disabilities, in cases of abandonment, emotional/psychological abuse and neglect. Substantiated cases of physical or sexual abuse are criminal in nature and are forwarded to the Office of the Attorney General for their disposition; to investigate and decide whether to initiate criminal proceedings or not. Cases of substantiated financial or property exploitation can be referred to other legal avenues for possible recourse; however, substantiated cases of abandonment, emotional/psychological abuse and neglect do not fall under any laws and as such, carry no penalties.

4. Expansion of Services. During the investigations, especially of alleged neglect situations, it has been determined that the neglect of BAPS clients is not of willful intent but rather due to lack of services to support family members in their role as caregivers or to assist an adult individual living in the community requiring some level of formal support that cannot be readily provided by family or friends, either due to limited or competing demands the family is managing or the local resource is limited or non-existent.

5. Long Term Care. Long Term Care needs for the elderly and adults with disabilities is a major challenge for BAPS clients and their families; clients who do not have family members to care for them on a long-term basis. Additionally, many families require to be gainfully employed to maintain their household while the elderly and adults with disabilities often require supervised care, thus, families are constantly challenged with providing care for them in their homes while maintaining their employment for their own survival. The need for placement options on a long-term basis for either alternative residential placement or for therapeutic purposes is a need that goes without question. At times, clients are rotated among shelter residential type programs with the client(s) being admitted into the existing array of shelter services multiple times which undermines the true to be addressed. This situation requires a permanent and responsive solution to this growing need (unmet need) in our community,

assisted living facilities would be an option to explore.

6. Further, additional funding to support existing therapeutic group homes as well as weekend provision of services for Adult Day Care services for seniors could help provide some relief to the growing need for respite for caregivers. For the latter, it could be for those families who require such services, thus, a thorough screening process would need to be implemented to ensure those approved for services meet the preset criteria and given the reality of limited funding for this service, clients could be afforded services on a rotational basis; services would provide relief and support to Guam's caregivers while ensuring care recipients are provided quality weekend service in a supervised setting.

7. The following is part of the FY20 budget and although the recruitment packet was forwarded on October 7, 2019, there still remains the process to fill the PC III position. Therefore, until filled it was determined to maintain this as a challenge until such time the PC III position is filled. The practice of level funding does not support or allow for proper recruitment of staff to ensure education, prevention and outreach work is being provided in the community at all levels to address the number one form of abuse for the past two fiscal years, Financial/Property Exploitation.

VI. Recommendations for Action on the Part of the Legislature Whenever Deemed Vital for the Protection of the Elderly and Adults with a Disability

As recommended in prior year reports, legislation needs to be enacted to expand and fund programs for independent living, alternative/transitional homes and assisted living facilities (non-medical) to address the needs of clients admitted into the protective shelter during crisis, but due to limited resources and services in our community, are difficult to transition out of the protective shelter, as more clients are requiring therapeutic and non-medical assisted care.

A second recommendation would be to explore alternative to funding sources in allowing caregivers to access additional supports. Often times the stressors of caregiving leads to the interventions of Adult Protective Services. In addressing this issue opens up an avenue in decreasing interventions by Adult Protective Services in further decreasing the incidences of abuse.

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