
6. GUIDELINES FOR SEEKING THE NECESSARY PROTECTIVE SERVICE ORDER

- ➔ In order for the court to grant a protective services order, the petition must demonstrate that the adult's impairment results in an inability to protect oneself. Below is a list of common APS definitions, as well as the specific findings that must be outlined in the petition for a protective service order.

OAC 5101:2-20-01 Adult protective services definitions

Incapacitated person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determination that the person is incapacitated.

Reasonable decisions are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

In need of protective services means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result.

Adult protective services means an array of services provided to adults who are at risk of abuse, neglect or exploitation. Services include but are not limited to: intake/referral, investigating reports of abuse, neglect, or exploitation, and protective services as defined below.

Protective services means services provided by the CDJFS or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction or discontinuance of an act of, as well as, conditions resulting from abuse, neglect or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

Validated (substantiated) means confirming evidence that substantiates or verifies the allegation of abuse/self-neglect/neglect/exploitation.

Protective Service Order Petition Shall Include:

- Degree of impairment resulting in the adult being unable to protect self
- Facts showing APS's attempts to obtain the adult or family 's consent
- Facts showing interventions offered and/or provided with least restrictive alternatives
- Lack of an appropriate decision maker
- Need for a protective service plan
- Stated protective service plan

