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Gaps Identified in the Operation and Oversight of the State's Adult Protective Services Program

DENVER—A new performance audit by the Office of the State Auditor (OSA) of the State's Adult Protective Services Program (Program) at the Department of Human Services (Department) has found that pre-employment background checks for those who serve at-risk adults don't provide employers key information, such as whether potential new staff actually harmed an at-risk adult or mistreated them intentionally. An at-risk adult is someone who is susceptible to mistreatment due to their age, a disability, or medical condition. The Program uses its Colorado Adult Protective Services system (CAPS) to track when at-risk adults are mistreated. State law requires certain employers who serve at-risk adults to request a CAPS check for all potential new direct care staff.

The audit also highlighted policy areas that the General Assembly may want to consider to protect at-risk adults further, such as prohibiting employers from hiring certain perpetrators and requiring CAPS checks for existing employees.

When the Program finds an at-risk adult is mistreated by a perpetrator, state law allows the perpetrator to appeal the decision. The audit found that for 98 percent of appeals in Fiscal Year 2019 confirming that mistreatment occurred, the Department's settlement agreements with the perpetrators made the

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mistreatment unreportable to employers in a CAPS check. As a result, employers would not be made aware that the individual had been found to have mistreated an at-risk adult.

The audit also found that counties, which receive reports of mistreatment and/or self-neglect of at-risk adults, incorrectly screened out 18 percent of sampled reports instead of investigating them. Other problems identified in the audit included incomplete investigations, inaccurate findings, and insufficient documentation of county processes for petitioning the court for guardianship of at-risk adults.

Colorado's Adult Protective Services Program was established in 1983 to provide safety and protection for at-risk adults who are, or suspected to be, victims of mistreatment and/or self-neglect, and cannot address their circumstances without assistance. In Fiscal Year 2019, counties received 25,001 reports of mistreatment or self-neglect of at-risk adults, conducted 7,735 investigations, and substantiated that 1,343 acts of mistreatment were committed by perpetrators.

The audit makes six recommendations.

The full report is available online at www.colorado.gov/auditor.

About the Office of the State Auditor (OSA)

Under the direction of the State Auditor, the OSA is the State's nonpartisan, independent external auditor with broad authority to audit state agencies, departments, institutions of higher education, and the Judicial and Legislative Branches. The OSA also conducts evaluations of the State's tax expenditures (e.g., credits, exemptions, deductions) established in statute and tracks about 4,000 Colorado local governments for compliance with the Local Government Audit Law. The OSA's professional staff serve the people of Colorado by addressing relevant public issues through high-quality, objective audits, evaluations, and other work products that promote accountability and positive change in government.

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