

## Adult Protective Services: Case Planning

### Involuntary Interventions

Routine Protective Order	Emergency Protective Order	Ex-Parte Order
No current emergency <ul style="list-style-type: none"> <li>• Seeking treatment for an chronic condition</li> <li>• Lack of safe housing or shelter</li> </ul>	Urgent situation is evident <ul style="list-style-type: none"> <li>• Medical care or evaluation needed to treat a new or acute condition</li> <li>• Geriatric care or evaluation needed to treat a new or acute condition</li> <li>• Homelessness may expose older adult to harsh elements</li> </ul>	Critical situation <ul style="list-style-type: none"> <li>• Acute and potentially life threatening condition is evident</li> </ul>
Protective need; older adult and family members are not able or willing to consent	High risk to older adult if no action by APS is taken. Extended wait for the hearing date may result in harm to older adult.	The older adult would suffer irreversible harm if no action is taken and a 24 hour delay for a court hearing may result in physical harm to the older adult.
The older adult is a stable short term setting. The wait for the hearing date does not pose a risk to the older adult.	The older adult is unable to consent to the case plan and there is no legal decision maker available.	The older adult's case plan would require him or her to remain in the current setting such as: <ul style="list-style-type: none"> <li>• Hospital</li> <li>• LTAC</li> <li>• Rehabilitation</li> <li>• Hospice</li> </ul>
The older adult, family, or non-family members make threats to remove the older adult from the medical setting however no immediate actions are taken.	The older adult, family, or non-family members make threats and <u>attempts</u> to remove the older adult from a medical setting.	The older adult is in need of essential medical treatment.
History of the older adult, family, or non-family members interfering with the older adult's medical decisions or care needs.	The older adult's case plan would require an admission to a hospital, Gero-Psychiatric, LTAC, Rehabilitation, Intermediate Care LTC Placement, or Hospice.	

The older adult is new to the county and has not met the residency requirements.		
The older adult lacks an appropriate guardianship applicant.		
<b>Hearing Rights</b>		
<b>Routine Protective Order</b>	<b>Emergency Protective Order</b>	<b>Ex-Parte Order</b>
<p>Notice of a petition for the provision of court-ordered protective services shall be personally served upon the adult who is the subject of the petition at least <b>5 working days</b> prior to the date set for the hearing.</p> <p>The court shall hold a hearing on the petition within <b>14 days</b> after its filing.</p>	<p>The notice shall be given to its recipients at least <b>24 hours</b> prior to the hearing.</p> <p>Upon receipt of a petition for an order for emergency services, the court shall hold a hearing no sooner than <b>24</b> and no later than <b>72 hours</b> after the notice has been given, unless the court has waived the notice.</p>	<p>No Hearing Notice - hearing rights waived</p>
<p>A court order provided shall remain in effect for no longer than <b>6 months</b>.</p>	<p>The court may order emergency services only for <b>14</b> days.</p>	<p>An order issued under this section shall be in effect for not longer than <b>24 hours</b>, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day.</p>
<p>Renewal - Thereafter, the county department of job and family services shall review the adult's need for continued services and, if the department determines that there is a continued need, it shall apply for a renewal of the order for additional periods of no longer than <b>1 year</b> each.</p>	<p>Renewal - The county department, the department's designee, or the county prosecutor may petition the court for a renewal of the order for a <b>14-day</b> period upon a showing that continuation of the order is necessary to remove the emergency.</p>	<p>Renewal - If a temporary order is issued it is effective for <b>30 days</b>. The court may renew the order for an additional <b>30-day</b> period.</p>

**References:**

OAC 5101:2-20-12 Adult protective services assessment and investigation

ORC 5101.68 Petitioning for court order to provide protective services

ORC 5101.681 Notice of petition

ORC 5101.682 Hearing

ORC 5101.70 Emergency order

ORC 5101.701 Ex parte emergency order authorizing provision of protective services

ORC 5101.702 Hearing