

ADULT PROTECTIVE SERVICES APPEAL PROCESS AND REGISTRY

INTRODUCTION:

The following information will serve to explain the APS Appeals Process and Registry and how it can be used by employers and licensing entities to screen those positions of providing care to or working with vulnerable or incapacitated adults and children.

HISTORY OF LEGISLATION:

During the 2006 legislative session, the Legislature passed House Bill 2558, resulting in the creation of a hearing process (A.R.S. § 46-458) and the Adult Protective Services Registry (A.R.S. § 46-459). These new statutes took effect July 1, 2007 and only apply to reports received by APS on or after that date.

STATUTORY PROVISIONS:

A.R.S. § 46-458 requires that upon completion of its investigation, APS notify the alleged perpetrator of the outcome of its investigation and the right to a hearing in the event APS proposes to substantiate the allegations. If the perpetrator requests a hearing, the matter will be heard by an Administrative Law Judge who will determine whether there is sufficient evidence to sustain the APS findings. If such evidence exists, A.R.S. § 46-459 requires the perpetrator's name be placed on a public registry for ten (10) years. If the alleged perpetrator does not request a hearing, their name will automatically be placed on the Registry.

IMPACT OF LEGISLATION:

The APS Registry will contain the name and date of birth of the perpetrator, the nature of the allegation made and the date and description of the disposition of the allegation. Information contained on the Registry will be made available to the public upon written request. A substantiated report of mistreatment of a vulnerable adult may impact a person's employment or employment opportunities as well as their ability to obtain a license to provide care giving services in different types of settings. Any employer or licensing entity should request a search of the registry to ensure potential employees or licensees do not appear.