

# 8

## Right to Review for Alleged Perpetrators

### TABLE OF CONTENTS

---

#### **8.1 Right to Review**

- 8.1.1 Basis and purpose
- 8.1.2 Alleged perpetrators of adult abuse, neglect or exploitation
- 8.1.3 When the LDSS is required to provide notification
- 8.1.4 Notification at the discretion of the LDSS
- 8.1.5 Entering dispositions at the conclusion of an investigation
  - 8.1.5.1 Unfounded or invalid dispositions
  - 8.1.5.2 When the alleged perpetrator cannot be identified
- 8.1.6 Notification of right to review
  - 8.1.6.1 Notification when the alleged perpetrator is a minor
  - 8.1.6.2 Notification when the alleged perpetrator is an incapacitated adult
- 8.1.7 Consultation with law enforcement prior to notification of alleged perpetrator
- 8.1.8 APS report shall remain open
- 8.1.9 Provision of services to adult
- 8.1.10 Responsibilities of the alleged perpetrator if review is requested
- 8.1.11 Acknowledgement of request
- 8.1.12 Time frame to conduct the review hearing
- 8.1.13 Location of the right to review hearing
- 8.1.14 Pre-review hearing preparation
  - 8.1.14.1 The APS case record
- 8.1.15 When information is requested by the alleged perpetrator
- 8.1.16 If the alleged perpetrator fails to appear for a scheduled hearing

- 8.1.17 Conducting the right to review hearing
- 8.1.18 Introduction and summary of the review hearing process
- 8.1.19 Right to review hearing participants
- 8.1.20 Role of alleged perpetrator during hearing
- 8.1.21 Role of the APS worker during the hearing
- 8.1.22 Role of witnesses during the hearing
- 8.1.23 Responsibility of the local director or his designee
- 8.1.24 Time frame to notify alleged perpetrator of hearing results
- 8.1.25 Additional documentation requirements after hearing
  - 8.1.25.1 Reversal of alleged perpetrator's status
  - 8.1.25.2 Identity is sustained
- 8.1.26 Notifying the APS Division Regional Consultants
- 8.1.27 Amendments to the record
- 8.2 Appendix A: LDSS notification to alleged perpetrator**
- 8.3 Appendix B: Acknowledgement of a timely request for review**
- 8.4 Appendix C: Acknowledgement of an untimely request for review**
- 8.5 Appendix D: Failure to appear for hearing**
- 8.6 Appendix E: Sustain LDSS investigation disposition (needs protective services) and identification of perpetrator**
- 8.7 Appendix F: Sustain LDSS investigation disposition (needs protective services-Version 2) and identification of perpetrator**
- 8.8 Appendix G: Sustain LDSS investigation disposition (needs protective services) and reverse identification of perpetrator**
- 8.9 Appendix H: Sustain LDSS investigation disposition (needs protective services-Version 2) and reverse identification of perpetrator**
- 8.10 Appendix I: Reverse LDSS investigation disposition and identification of perpetrator**

# 8

## RIGHT TO REVIEW

### 8.1 Right to Review

---

#### 8.1.1 Basis and purpose

There are particular instances in which individuals identified as alleged perpetrators in substantiated Adult Protective Services (APS) cases are entitled to a right to review. This due process protection is pursuant to the 14<sup>th</sup> Amendment of the United States Constitution and Article 1, Section 11 of the Constitution of Virginia which prohibit a state from depriving any person of life, liberty, or property, without due process of law.

Individuals identified as an alleged perpetrator who are required to be notified by the local department of social services (LDSS) shall be afforded the opportunity to request a review by the local director or his designee. The local director or his designee shall have the authority to sustain or reverse the findings.

A substantiated APS case is one in which the APS investigation has been completed and the investigation disposition is one of the following:

- needs protective services and accepts
- needs protective services and refuses; or
- need for protective services no longer exists

The disposition is the determination that there is a preponderance of evidence that abuse, neglect or exploitation has occurred or that adult is at risk of abuse, neglect

or exploitation and that the adult is in need of protective services ([22 VAC 30-100-40](#)).

### **8.1.2 Alleged perpetrators of adult abuse, neglect or exploitation**

An alleged perpetrator of adult abuse, neglect or exploitation may be a family member, neighbor, caregiver, or any other individual whose maltreatment of an adult meets the definitions of abuse, neglect or exploitation in Section 2.4, Chapter 2, Adult Protective Services.

A facility such as a nursing home or group home or an organization such as a non-profit agency or home care business is not a perpetrator and shall not be identified as such in the case record.

### **8.1.3 When the LDSS is required to provide notification**

The LDSS shall notify an alleged perpetrator when:

- the alleged perpetrator has been identified as such in a substantiated case of adult abuse, neglect or exploitation; and
- information about the alleged perpetrator has been provided to licensing, regulatory, or legal authorities pursuant to § [63.2-1605](#) D of the Code of Virginia.

See Section 2.38.1, Chapter 2, Adult Protective Services, for additional information on referrals to licensing, regulatory, or legal authorities.

### **8.1.4 Notification at the discretion of the LDSS**

When the circumstances of the investigation do not require a referral pursuant to § [63.2-1605](#) D, the LDSS may provide notification to the alleged perpetrator at its discretion. See Section [8.1.7](#) regarding consultation with law enforcement prior to notification.

### **8.1.5 Entering dispositions at the conclusion of an investigation**

The investigation shall be completed and a disposition shall be determined no later than 45 days from the date the report was received. Any delay in completing the investigation or making a disposition within the 45-day period shall be documented in the APS narrative in ASAPS.

#### **8.1.5.1 Unfounded or invalid dispositions**

APS cases in which the disposition is either unfounded or invalid are not subject to the right to review process.

A case with an unfounded disposition means a review of the facts does not show a preponderance of evidence that the abuse, neglect or exploitation occurred or that the adult is at risk of abuse, neglect or exploitation.

A case with an invalid disposition means that after the investigation was initiated, the worker determined the report did not meet the criteria of a valid report.

#### **8.1.5.2 When the alleged perpetrator cannot be identified**

There may be instances where at the conclusion of an investigation a preponderance of evidence indicates that abuse, neglect or exploitation has occurred or is occurring or the adult is at risk of abuse, neglect or exploitation but the APS worker is unable to determine who the alleged perpetrator is. If the identity of the alleged perpetrator cannot be determined, the LDSS shall ensure that the case record reflects that there was no identified perpetrator.

If the APS report listed an alleged perpetrator but the investigation determined that the individual was not the alleged perpetrator, the case record shall reflect this information. See Section [8.1.25](#) for additional information.

If at the conclusion of the investigation, the identity of the alleged perpetrator is still unknown, notification will not be sent and a review hearing will not be held.

#### **8.1.6 Notification of right to review**

Within 30 calendar days of the disposition being entered in a substantiated APS case, the LDSS shall provide written notification to an alleged perpetrator when the case meets criteria described in Section [8.1.3](#).

The notification shall list the name of each licensing, regulatory, or legal authority that was notified during the course of the investigation and the date each agency was notified.

The written notification shall also state that if the alleged perpetrator disagrees with being identified as the alleged perpetrator, he has the right to request a review by the local director or his designee.

The written notification shall include a summary of information used by the LDSS to support the identification of the individual as the alleged perpetrator. The entire case record is not provided with the right to review notification.

Pursuant to [22 VAC-30-100-50](#), the identity of the person who reported the suspected abuse, neglect or exploitation shall be held confidential unless the reporter authorizes the disclosure of his identity or disclosure is ordered by a court.

See [Appendix A](#) for sample notification letter to an alleged perpetrator.

#### **8.1.6.1 Notification when the alleged perpetrator is a minor**

When the alleged perpetrator is a minor, the notification shall be sent to the minor's parent or legal guardian. It is the responsibility of the parent or legal guardian to make the written request for a review hearing.

#### **8.1.6.2 Notification when the alleged perpetrator is an incapacitated adult**

When the alleged perpetrator is an incapacitated adult who may not understand the notification letter or have the ability to make a written request for a review hearing, the notification shall be sent to adult's legal representative (i.e. guardian or power of attorney). The adult's legal representative may make the written request for a review hearing.

The notification letter shall not be sent to a caregiver, family member or other individual unless that person has the legal authority to act on behalf of the incapacitated adult. If no individual has the legal authority to act on behalf of the adult, the notification letter shall be sent to the incapacitated adult.

#### **8.1.7 Consultation with law enforcement prior to notification of alleged perpetrator**

When the LDSS has referred information to law enforcement at any point during the investigation, the LDSS shall consult with law enforcement prior to providing the notification to the alleged perpetrator.

Prior consultation with law enforcement will make law enforcement aware of:

- safety concerns or protection needs of the adult; and
- whether notification to the alleged perpetrator may affect an ongoing criminal investigation

If law enforcement requests that the LDSS delay notifying the alleged perpetrator because notification will impede or jeopardize the criminal investigation, the LDSS shall delay notification an additional 30 days (total of 60 days from the date of the disposition). Specific reasons for the delay shall be documented in the APS case record (i.e. an arrest warrant for the alleged perpetrator is being issued imminently, the alleged perpetrator is under surveillance, etc.) and shall include the name of the law enforcement official who requested the delay. The revised date of notification to the alleged perpetrator shall also be discussed with law enforcement (i.e. “the new date a letter will be sent to the alleged perpetrator is October 15, 2013”).

Law enforcement and the LDSS shall consult prior to the revised notification date (i.e. October 15, 2013) and discuss the impending notification to the alleged perpetrator. Law enforcement must request an additional extension for perpetrator notification, if an extension is needed for purposes of an ongoing criminal investigation.

#### **8.1.8 APS report shall remain open**

The APS report shall remain open until the alleged perpetrator submits a timely written request for a review hearing or until the time frame for the alleged perpetrator to request a review has passed. The alleged perpetrator’s written request must be received by the LDSS 30 calendar days from the date on the LDSS letter to the alleged perpetrator notifying him of his right to request a review.

If the alleged perpetrator requests a right to review, the APS report shall remain open until the local director or his designee issues his review decision.

#### **8.1.9 Provision of services to adult**

If the disposition is needs protective services and accepts, services shall be provided to the adult. See Chapter 2, Adult Protective Services, Section 2.17 for additional information regarding opening a case to adult protective services. Service delivery shall not be delayed until after the hearing is conducted.

#### **8.1.10 Responsibilities of the alleged perpetrator if review is requested**

Within 30 calendar days of the being notified by the LDSS, the alleged perpetrator may submit a written request to the LDSS requesting a review hearing.

When the LDSS receives a written request for a review, the LDSS shall stamp the written request with the date it was received.

If the alleged perpetrator fails to submit a timely written request, the alleged perpetrator has waived his right to review.

### **8.1.11 Acknowledgement of request**

LDSS shall acknowledge the alleged perpetrator's timely or untimely request for a hearing. See [Appendix B](#) for a timely request sample letter and [Appendix C](#) for an untimely request sample letter.

When the right to review is timely requested, the acknowledgement letter shall include the following information:

- The date, time and location of the hearing;
- A summary of the evidence and how and where the evidence can be examined;
- A statement that the LDSS has the burden of proving that the individual is the perpetrator of the alleged abuse, neglect or exploitation;
- A warning that if the individual fails to appear at the hearing the requested review will be deemed to be withdrawn; and
- A statement that if the individual fails to appear at the hearing, he will have 14 days from the date of the hearing decision letter to present good cause for his failure to appear in order receive a new hearing.

### **8.1.12 Time frame to conduct the review hearing**

If the alleged perpetrator submits a timely written request for review, the LDSS shall conduct an informal review hearing within 30 calendar days of the date that timely notice was received. The LDSS may accommodate an alleged perpetrator's reasonable request to conduct the hearing outside of the 30-day timeframe.

### **8.1.13 Location of the right to review hearing**

The right to review hearing shall be held in a location designated by the LDSS. The LDSS may hold the hearing at another location if the alleged perpetrator provides a legitimate reason explaining why he is unable to attend the hearing in the location designated by the LDSS.

### **8.1.14 Pre-review hearing preparation**

LDSS are encouraged to review the APS case with the LDSS attorney and discuss what role the LDSS attorney will take in the hearing.



#### **8.1.14.1 The APS case record**

The APS record may include the following:

- All ASAPs documentation related to the individual's identification as the alleged perpetrator.
- The hard copy of the file which may contain photos, medical reports, financial documents, etc.

If the alleged perpetrator requests to review the APS case record prior to the hearing he or she shall have the opportunity to do so. Only information that is directly related to the APS investigation and the disposition may be released.

Case information that the alleged perpetrator is not entitled to review shall be redacted or shall not be provided. See Section [8.1.15](#) regarding what type of information is permitted and prohibited from being provided to the alleged perpetrator. If certain documentation is withheld, the LDSS shall inform the alleged perpetrator why the information was not provided.

The alleged perpetrator may request to review the case record at the LDSS or pick up the record from the LDSS, or request that the record be mailed to him.

LDSS staff participating in the review hearing shall also review the APS record prior to the hearing.

#### **8.1.15 When information is requested by the alleged perpetrator**

The LDSS shall provide information to the alleged perpetrator if he or she requests information prior to the hearing. Any mitigating information or documentation that would indicate another individual could be the alleged perpetrator shall be provided. An example of mitigating information would be the neighbor's statement such as "her adult son has been very helpful to her since he moved in and he made sure she attended all of her medical appointments."

However, some information in the case record may be prohibited from being released.

- Information prohibited from being disclosed by state or federal law or regulation shall not be released to the alleged perpetrator.
- Any identifying information about the adult victim (i.e. name, date of birth, address) shall be redacted.

- In accordance with § [32.1-127.1:03](#) of the Code of Virginia, medical records from healthcare professionals that the APS worker obtained during the investigation shall not be provided to the alleged perpetrator, unless the victim gives specific authorization for the release of the health records.
- Pursuant to § [63.2-1606](#) of the Code of Virginia LDSS shall not disseminate criminal investigative reports received from law enforcement agencies.
- The identity of the reporter shall not be released unless the reporter gives permission for the release or a court has ordered the disclosure.
- Information related to the provision of services to the adult shall not be released or shall be redacted from the case record.

LDSS are advised to consult with the LDSS attorney for advice and guidance on the releasing of information to alleged perpetrators.

#### **8.1.16 If the alleged perpetrator fails to appear for a scheduled hearing**

If the hearing has been scheduled for a certain time but the alleged perpetrator fails to arrive on time for the hearing, the local director or his designee may wait a reasonable amount of time for the alleged perpetrator to arrive for the hearing.

If the alleged perpetrator fails to appear for the hearing, the local director or his designee shall convene the review hearing, document the alleged perpetrator's failure to appear, and base the review decision upon a review of the investigative record. After the hearing, the local director or his designee shall send a letter to the perpetrator notifying him of his failure to appear and that the alleged perpetrator may request the hearing be rescheduled if he can demonstrate good cause for his failure to appear. Good cause is an emergency or other event beyond the control of the alleged perpetrator that prevents him from attending the hearing. See [Appendix D](#) for a sample letter to alleged perpetrator regarding failure to appear.

The alleged perpetrator's failure to appeal shall be documented in the case record.

#### **8.1.17 Conducting the right to review hearing**

The local director or his designee shall preside over the hearing. With the exception of the local director or his designee, no person whose regular duties include substantial involvement with adult abuse, neglect or exploitation cases shall preside over the hearing.

### **8.1.18 Introduction and summary of the review hearing process**

At the beginning of the hearing the local director or his designee will discuss the purpose of the hearing, outline the use of witnesses, establish the order of presentations, and other issues related to the structure of the hearing. The hearing may be recorded by either party.

### **8.1.19 Right to review hearing participants**

Hearing participants include the alleged perpetrator, and if the alleged perpetrator chooses, a legal representative and/or counsel, the APS worker who issued the disposition, and the APS worker's supervisor.

The adult who is the subject of the APS report may attend the hearing.

### **8.1.20 Role of alleged perpetrator during hearing**

The alleged perpetrator may be represented by counsel. It is the responsibility of the alleged perpetrator to make his or her arrangements for legal representation. However, counsel is prohibited from testifying on behalf of the alleged perpetrator.

The alleged perpetrator shall be entitled to present testimony of witnesses, documents, factual data, or other submissions of proof or other arguments in order to establish why he or should not be identified as the alleged perpetrator in the APS record and/or why other information in the record may be incorrect.

### **8.1.21 Role of the APS worker during the hearing**

The LDSS has the burden of proof at the hearing. The APS worker shall present a summary of the case. The summary shall include all factors that contributed to identifying a specific individual as the alleged perpetrator as well as why the particular disposition was made.

If the alleged perpetrator or his representative makes a statement during the review hearing that the APS worker believes is inaccurate, the APS worker shall state the reason why he or she believes the statement is inaccurate. Information or statements not raised during the hearing shall not be considered by the local director or his designee when issuing his decision.

The APS worker shall not introduce new information during the hearing that was not obtained during the investigation and included in the APS record.

### **8.1.22 Role of witnesses during the hearing**

The local director or his designee will determine at the beginning of the conference how many witnesses will testify and the type of information to which they will testify. If several witnesses will be providing similar testimony (i.e. the alleged perpetrator is an excellent personal care provider) the local director or his designee may request that only a designated number of witnesses testify in order to avoid repetitive testimony.

Witnesses shall follow certain rules. Any witness who plans to testify shall wait outside the hearing room until called to testify. Witnesses will be entitled to remain in the room following testimony at the discretion of both parties and the local director or his designee.

### **8.1.23 Responsibility of the local director or his designee**

The local director or his designee shall consider all information presented by both parties during the hearing. The local director or his designee shall have the authority to sustain or reverse the LDSS's findings regarding the identification of the alleged perpetrator. The local director or his designee shall have the authority to sustain or reverse the disposition of the case.

The local director's or his designee's review hearing decision is final.

### **8.1.24 Time frame to notify alleged perpetrator of hearing results**

The local director or his designee shall notify the alleged perpetrator, in writing, of the results of the hearing within 30 calendar days of the date of the hearing. Notification of the results of the hearing shall be mailed, certified with return receipt, to the alleged perpetrator. A copy of the letter shall be placed in the hard copy file of the APS case record.

The LDSS shall send a copy of the letter to licensing or regulatory agencies that were originally notified during the investigation.

See [Appendix E](#) through I for sample letters to notify the alleged perpetrator of the hearing results.

### **8.1.25 Additional documentation requirements after hearing**

#### **8.1.25.1 Reversal of alleged perpetrator's status**

*If the local director or his designee determines that the alleged perpetrator was incorrectly identified, the alleged perpetrator's name shall be removed from the report screen in ASAPS by clicking the "delete" link next to the relationship/title*

The screenshot shows a web form titled "Alleged Perpetrators" with a link "Add Alleged Perp". The form has a yellow background. It contains several input fields: "Name of Alleged Perpetrator" with "Harold" and "Anyname" entered; "Relationship/Title" with a dropdown menu showing "Son"; "Phone" with "804-000-3333"; "PH Ext.", "Phone Type" (Cellular), "Phone 2:", "PH Ext.", and "Phone Type2" fields; "FAX:" field; and "Residence Address:" field. A red circle highlights the "Delete" link next to the "Relationship/Title" dropdown.

box.

Deleting the alleged perpetrator on the report screen also deletes his name on the investigation screen.

#### **8.1.25.2 Identity is sustained**

If the local director or his designee determines that the identity of the alleged perpetrator is sustained, the results of the hearing shall be documented in the case record on the narrative screen.

#### **8.1.26 Notifying the APS Division Regional Consultants**

LDSS shall notify the APS Division Regional Consultant of the following by email:

- when a hearing has been requested by the alleged perpetrator and
- the results of the hearing

The email shall identify the ASAPS case number in the subject line of the email.

#### **8.1.27 Amendments to the record**

If the alleged perpetrator requests amendments to the record (i.e. the alleged perpetrator's date of birth was incorrect, the alleged perpetrator's employer's name was misspelled) he may make this request pursuant to the Government Data Collection and Dissemination Practice Act. See Chapter 6, Confidentiality for additional information.

The purpose of the right to review hearing is not to make minor or technical changes to the APS case record but rather to provide the alleged perpetrator with the opportunity to challenge the LDSS designation that he is the alleged perpetrator in a substantiated APS case.

## 8.2 Appendix A: LDSS notification to alleged perpetrator

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear **(alleged perpetrator's name)**:

This is to notify you that you have been identified as an alleged perpetrator in an Adult Protective Services (APS) case that has been substantiated based on the following/enclosed information. (Provide summary of reason(s) that disposition was issued in body of letter or as an enclosure).

Unlike Child Protective Services, Virginia APS does not maintain a central registry or database of alleged perpetrators of adult abuse, neglect or exploitation.

APS does not have the authority to revoke a license or provider agreement issued by another licensing, regulatory or legal authority. However, in accordance with state law (§ 63.2-1605 of the Code of Virginia and Virginia Administrative Code 22 VAC 30-100-50), your name has been provided to the following licensing, regulatory, or legal authority:

**(List name of agency(s) and date information was shared with agency(s))**

**You may contact the agency listed above if you have questions about your** (enter applicable term: license or provider agreement).

If you do not agree with being named as an alleged perpetrator of abuse, neglect or exploitation of an adult, you have the right to request a review by the Director of (name of LDSS). The Director has the authority to sustain or reverse your identification in the case record as an alleged perpetrator as well as sustain or reverse the investigation disposition. The decision of the local director or his designee is final.

If you want to request a review, you must notify (name of LDSS) in writing no later than 30 calendar days from the date of this letter. In your request you must refer to the following code number (enter ASAPS case ID in which perpetrator was identified). Your request must be addressed as follows:

Name of LDSS  
Attention: (LDSS to designate staff person)  
LDSS Address

Sincerely,

Name of APS worker

ASAPS ID XXXXX

### **8.3 Appendix B: Acknowledgement of a timely request for review**

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

Your request for a review dated (add date of request) was received by (Name of LDSS) on (Date). We are required to schedule and conduct your review hearing by (Date). Please inform the worker identified below prior to the review if an attorney will be representing you.

The review hearing is scheduled for (Date) and (Time) at (Location/Address). Please sign in at the front desk and the worker will escort you to (room location of hearing). If you fail to appear at the scheduled hearing, you will be deemed to have withdrawn your request for review. If you fail to appear, you shall have 14 days from the date of the hearing decision letter to present good cause for your failure to appear in order to receive a new hearing. Good cause is an emergency or other event beyond your control (such as your hospitalization) that prevents you from attending the hearing.

The Adult Protective Services (APS) case was substantiated based on the following/enclosed information (Provide brief summary of reason(s) that the disposition was issued in the body of the letter or as enclosure).

(Name of LDSS) has the burden of proving that you are the perpetrator of the abuse, neglect or exploitation.

Please be advised that if you fail to appear the decision will be based solely on information provided by the APS worker.

If you would like to review information related to your identification as an alleged perpetrator, or have any additional questions please contact (Name) at (phone number). The information may be mailed to you, you may request to review the record at (name of LDSS) or you may pick up the information directly from (name of LDSS).

Sincerely,

Local Director

Cc: APS worker and APS supervisor  
ASAPS ID XXXXX



## 8.4 Appendix C: Acknowledgement of an untimely request for review

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

Your written request for a review (Date of letter) was received by (Name of LDSS) on (Date). As your request for review was not received by (last date letter could have been received), we are denying your request for a review hearing.

Should you have any questions regarding this letter, please contact (Name) at (phone number).

Sincerely,

Local Director

Cc: APS worker and APS supervisor

ASAPS ID XXXXX

## 8.5 Appendix D: Failure to appear for hearing

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

Your right to review hearing was scheduled for (date of hearing). However, you did not appear for the hearing. We proceeded in your absence and after careful review of the Adult Protective Services (APS); I have decided to sustain the disposition of the APS investigation and your identification as the perpetrator.

If you had good cause for failing to appear, you may make a written request that my decision set aside and the hearing be rescheduled. Examples of good cause may include your hospitalization, your illness, or an accident. You are required to present proof of good cause with your written request to reschedule the hearing.

Other reasons for failure to appear may be accepted depending on the information you provide.

If you do not respond in writing within 14 calendar days from the date of this letter, this decision will be final.

Should you have any questions regarding this letter, please contact (Name) at (phone number).

Sincerely,

Local Director

Cc: APS worker and APS supervisor

ASAPS ID XXXXX

## **8.6 Appendix E: Sustain LDSS investigation disposition (needs protective services) and identification of perpetrator**

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

After careful review of the Adult Protective Services (APS) record and the information presented at the review hearing on (Date), I have decided to sustain the LDSS investigation disposition of needs protective services because information in the case record demonstrated that there is a preponderance of evidence that abuse, neglect or exploitation has occurred or is occurring. I have also decided to sustain your identification as the alleged perpetrator.

This decision is final.

Should you have any questions regarding this letter, please feel free to contact me at (phone number).

Sincerely,

Local Director

Cc: APS worker, APS supervisor and regulatory/licensing agency (if originally notified)

Certified Mail No: XXXXXXXX

ASAPS ID XXXX

## **8.7 Appendix F: Sustain LDSS investigation disposition (needs protective services-Version 2) and identification of perpetrator**

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear **(alleged perpetrator's name)**:

After careful review of the Adult Protective Services (APS) record and the information presented at the review hearing on (Date), I have decided to sustain the LDSS investigation disposition of needs protective services because information in the case record demonstrated that there is a preponderance of evidence that the adult is at risk of abuse, neglect or exploitation. I have also decided to sustain your identification as the alleged perpetrator.

This decision is final.

Should you have any questions regarding this letter, please feel free to contact me at (phone number).

Sincerely,

Local Director

Cc: APS worker, APS supervisor and regulatory/licensing agency (if originally notified)

Certified Mail No: XXXXXXXX

ASAPS ID XXXX

## 8.8 Appendix G: Sustain LDSS investigation disposition (needs protective services) and reverse identification of perpetrator

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

After careful review of the Adult Protective Services (APS) record and the information presented at the review hearing on (Date), I have decided to sustain the LDSS investigation disposition of needs protective services because information in the case record demonstrated that there is a preponderance of evidence that abuse, neglect or exploitation has occurred or is occurring.

However, I have decided to reverse your identification as the alleged perpetrator. Your name will be removed from the APS record as the alleged perpetrator.

This decision is final.

Should you have any questions regarding this letter, please feel free to contact me at (phone number).

Sincerely,

Local Director

Cc: APS worker, APS supervisor and regulatory/licensing agency (if originally notified)

Certified Mail No: XXXXXXXX

ASAPS ID XXXXX

## 8.9 Appendix H: Sustain LDSS investigation disposition (needs protective services-Version 2) and reverse identification of perpetrator

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

After careful review of the Adult Protective Services (APS) record and the information presented at the review hearing on (Date), I have decided to sustain the LDSS investigation disposition of needs protective services because information in the case record demonstrated that there is a preponderance of evidence that the adult is at risk of abuse, neglect or exploitation.

However, I have decided to reverse your identification as the alleged perpetrator. Your name will be removed from the APS record as the alleged perpetrator.

This decision is final.

Should you have any questions regarding this letter, please feel free to contact me at (phone number).

Sincerely,

Local Director

Cc: APS worker, APS supervisor and regulatory/licensing agency (if originally notified)

Certified Mail No: XXXXXXXX

ASAPS ID XXXXX

## 8.10 Appendix I: Reverse LDSS investigation disposition and identification of perpetrator

---

Date

Alleged Perpetrator's name  
Alleged Perpetrator's address

Dear (**alleged perpetrator's name**):

After careful review of the Adult Protective Services (APS) record and the information presented at the review hearing on (Date), I have decided to reverse the LDSS investigation disposition and reverse your identification as the alleged perpetrator. Your name will be removed from the APS record as the alleged perpetrator.

This decision is final.

Should you have any questions regarding this letter, please feel free to contact me at (phone number).

Sincerely,

Local Director

Cc: APS worker, APS supervisor and regulatory/licensing agency (if originally notified)

Certified Mail No: XXXXXXXX

ASAPS ID XXXXX