

# Consistency in Determining Findings Matrix Frequently Asked Questions

## General Questions

**Q1:** Why do I need to use the CIF Matrix?

**A:** The CIF Matrix was developed to provide a consistent framework for determining allegation findings across the state and provide Adult Protective Services (APS) staff with examples of indicators, evidence to consider, and defining elements for each allegation we investigate. Additionally, it was designed to promote consistency in how cases are investigated and completed across the state.

**Q2:** Should I use the CIF Matrix throughout the investigation or just when determining the allegation statuses?

**A:** The CIF Matrix was created to determine allegation statuses and should be used throughout the entire investigation, especially when developing an investigation plan and formulating questions to ask of the eligible adult (EA) or collateral contacts.

**Q3:** If the report alleges abuse in the past, but the abuse is currently not happening, is this something we can investigate and determine a finding of substantiated or unsubstantiated?

**A:** Yes, when the report alleges past abuse, you can make a determination regardless of the timeframe of the abuse. Consultation with the Office of Special Investigations (OSI) may be warranted to determine the criminal statute of limitations and timeframes.

**Q4:** If by the time I investigate the report, the alleged perpetrator (AP) is no longer in contact with the EA, can I have a finding of suspected and referred to OSI?

**A:** Yes, when the report alleges abuse, you can make a determination even if the alleged perpetrator is no longer involved or has access.

## Questions on Allegation Findings

### Suspected and Referred to OSI

**Q1:** To have a finding of suspected and referred to OSI, do I have to be very sure that the abuse occurred, because I don't want to damage the alleged perpetrator's reputation if I am wrong?

**A:** The role of the APS Specialist is to look at the facts and see if they meet the defining elements of the type of abuse by following an APS-appropriate investigation. Using the CIF Matrix will help determine whether an allegation should be suspected and referred to OSI. Remember, findings should not be influenced by possible repercussions for an AP.

**Q2:** Can I have a finding of suspected and referred to OSI even though I did not interview the alleged perpetrator?

**A:** Yes, if the evidence meets the allegation's defining elements as outlined in the CIF Matrix, you may have a finding of suspected and referred to OSI, even if you have not interviewed the AP.

**Q3:** Can you only use suspected and referred to OSI when the EA confirms abuse?

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**A:** No, you arrive at a finding based on training and evidence. Often, victims of abuse may deny or not disclose allegations, but that doesn't mean that the abuse didn't occur if evidence shows otherwise.

**Q4:** Should I only use suspected and referred to OSI when the evidence, such as facts or observations, meets the allegation's defining elements?

**A:** Yes, findings should be based upon the APS Specialist's evaluation of the credible information gathered as to whether abuse has occurred.

**Q5:** Can I use suspected and referred to OSI on an allegation when the EA confirms the abuse, but may also contribute to the problem? For example, when the EA confirms being abusive to the alleged perpetrator.

**A:** Yes, findings should be based on the APS Specialist's evaluation, regardless of the EA's possible contribution to the situation.

## Suspected

**Q1:** How do I determine a finding of suspected?

**A:** You can find an allegation as suspected when you have contradictory pieces of evidence that weigh equally, and you cannot determine which one seems more credible or plausible, and further investigation would not clear up inconsistencies or clarify differing viewpoints. Additionally, a finding of suspected is appropriate when the information gathered supports only some (or part) of the defining elements of the alleged abuse, neglect, or financial exploitation.

**Q2:** Is suspected the safest finding when the EA denies the abuse?

**A:** There are different reasons why the eligible adult might deny the abuse. Consider if the EA may be trying to protect the alleged perpetrator or is being unduly influenced by the alleged perpetrator. Where possible, evidence should be gathered from more than one source.

**Q3:** Should suspected be used instead of unsubstantiated to stay on the safe side of things?

**A:** Unsubstantiated should be selected when the information gathered reasonably refutes the defining elements of the alleged abuse, neglect, or financial exploitation; that is, the abuse is unlikely to have occurred. Suspected should be selected when the information gathered reasonably supports only some or part of the allegation's defining elements.

**Q4:** If I use suspected, can I still provide services/interventions?

**A:** Yes, services offered depend on your assessment, service plan, and the EA's needs and are not dependent on a finding.

## Evidentiary Challenges

**Q1:** Should I have a finding of unsubstantiated when I have difficulties acquiring evidence? For example, I have the EA's statement but no access to collateral contacts, or I cannot obtain the needed information, such as medical records, financial records, or criminal history.

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**A:** Findings are based on preponderance of evidence. This means having more evidence (or higher quality evidence) in favor of an allegation than not in favor, i.e., an objective review of the evidence reveals that the alleged abuse is more likely to have occurred than not. Substantiation can be considered a 51 percent or greater likelihood of supporting all elements based on using a preponderance of evidence as the standard of proof. If an EA statement is all the evidence you can acquire, you must consider the veracity of the EA's statement, including their description of events and the reasonableness of the statement.

**Q2:** Can I have a finding of substantiated or suspected and referred to OSI when the eligible adult has cognitive, developmental, or mental health issues that make their statement unreliable, and I cannot observe the physical evidence (e.g., a bruise or wound)?

**A:** As just mentioned above, findings are based on preponderance of evidence, i.e., having more evidence or higher quality of evidence in favor of an allegation than not. If the EA's statement is unreliable and no other evidence is available, there may not be enough to meet the preponderance of evidence standard. Consult your supervisor for further information.

**Q3:** Can I use suspected and referred to OSI on an allegation when I don't see any bruises, or there is no physical evidence, e.g., when the eligible adult says that the physical abuse occurred, but there is no physical evidence?

**A:** In general, believe the EA's statement, especially when they recount or describe it clearly and have capacity. However, we should base our allegation findings on whether the information gathered meets the defining elements of the allegation being investigated.

## EA Participation and Capacity

**Q1:** If the eligible adult says that the abuse did not happen or retracts their statements, lacks capacity, or becomes uncooperative, but the evidence confirms the allegations, can I have a finding of substantiated or suspected and referred to OSI?

**A:** Your finding is not exclusively dependent on the EA's statement but on the direct or indirect evidence you gathered through your investigation.

## Allegation Specific Questions

### Financial Exploitation

**Q1:** Can I use suspected and referred to OSI for financial exploitation when the alleged perpetrator is unknown to the eligible adult and the financial institution has resolved the issue? For example, a scam involving identity theft.

**A:** Yes, we are investigating the allegation, and the evidence could meet the defining elements of financial exploitation.

**Q2:** Can I have a finding of suspected and referred to OSI when the eligible adult believed the scam, but another party intervened to prevent it from happening? For example, the financial institution convinced the eligible adult not to withdraw money for an IRS scam.

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**A:** No. If the crime was prevented, you would not find suspected and referred to OSI. Even when the evidence does not meet the defining element of financial exploitation, you could suspect financial exploitation and tailor the appropriate services to assist the eligible adult. Even when the scam did not go through, and the allegation of financial exploitation was unsubstantiated, the eligible adult may still be at risk for a future scam.

**Q3:** Can I have a finding of unsubstantiated when the eligible adult continues to participate in a scam (e.g., lotto, Granny/IRS/computer virus scam) even when it has been explained that it is a scam, and I do not suspect cognitive incapacity but rather poor decision-making?

**A:** If the eligible adult has sent money to the scammer, then the financial exploitation occurred, and therefore, the finding is not dependent on the eligible adult's willingness to participate (or capacity) but on whether the situation meets the defining elements of financial exploitation found in the CIF Matrix.

**Q4:** APS received a report that an alleged perpetrator stole from an eligible adult. The EA has no proof, and the investigation yields no evidence or likelihood that it happened, yet the EA is adamant that items were stolen. There is no history or suspicion that the EA suffers from mental health issues. Should I use suspected and referred to OSI?

**A:** Findings are not exclusively dependent on the eligible adult's statements or their mental health/cognitive status, even if the eligible adult suffers from mental health issues. If the findings of your investigation do not yield information to support the defining elements of financial exploitation, then you should arrive at a finding of suspected or unsubstantiated.

**Q5:** When the eligible adult has a joint bank account with the alleged perpetrator, who reportedly withdraws monies from the account, is there no financial exploitation because both parties are joint owners?

**A:** You should consider if the alleged perpetrator contributes funds to the bank account (e.g., a paycheck or deposit). If the AP doesn't contribute funds, you must investigate the timing and sequence of events and why the joint account was set up, screen for undue influence, and assess other considerations. There might be a legitimate reason for the withdrawals. If there isn't, this may meet the defining elements of financial exploitation. Consultation with your OSI liaison may be appropriate.

## Caregiver Neglect

**Q1:** If the eligible adult suffers a fall, health complications, or a crisis while the primary caregiver (e.g., a family member) is not home due to running an errand or time off, and the eligible adult is hospitalized as a result, would this be considered neglect on the part of the caregiver?

**A:** You would need to consider the circumstances that explain the situation, such as this is an isolated event, an alternate caregiver was present, the level of care that the eligible adult needs (like stand-by vs. hands-on care) was minimal, an accident occurred, etc. The evidence might be more likely to support a finding of suspected and referred to OSI if the caregiver is paid and the

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crisis/injury occurred during a paid shift, or if the eligible adult requires significant amounts of care and the primary caregiver, knowing this, left the EA home alone anyway.

## Sexual Abuse

**Q1:** APS received a report that a developmentally delayed adult was sexually abused. They are unable to verbalize the abuse, and the alleged perpetrator is denying the allegation. Can I have a finding of suspected and referred to OSI?

**A:** The eligible adult being unable to relay what happened to them does not prevent you from pursuing an investigation to gather the evidence needed to meet the defining elements of sexual abuse. You may pursue the investigation and gather more information and evidence, including prior report history and/or physical/medical evidence. The CIF Matrix offers a variety of indicators of sexual abuse to guide your investigation.

## Self-Neglect

**Q1:** If the eligible adult chooses to be homeless as a lifestyle choice (and exercising their constitutional right to self-determination), would the allegation be unsubstantiated as long as the EA continues to obtain essential food, clothing, medical care, and manage their money?

**A:** Self-neglect would be unsubstantiated if the defining elements are not met. In this case, there is no question about the EA's decisional capacity, and they are meeting their basic needs, though choosing to remain homeless.

**Q2:** If the eligible adult is the only one reporting verbal abuse, and no one else corroborates, is the allegation automatically unsubstantiated?

**A:** You would need to assess the eligible adult's statements and the repercussions for the EA in terms of how they feel and how it affects their daily life. You would also need to assess the patterns of the alleged perpetrator's behavior and the EA's dependence on the alleged perpetrator, family dynamics, family history, and patterns of emotional abuse. If the defining elements have been met, a finding of suspected and referred to OSI may be appropriate.

## Policy Clarification and Case Exceptions Guidance

**Q1:** When an APS Specialist is assigned to complete a face-to-face investigation and cannot complete the investigation (eligible adult moved, wrong address, etc.), should the APS Specialist close the investigation without findings?

**A:** No. When an allegation cannot be thoroughly investigated due to circumstances beyond the APS Specialist's control, the APS Specialist shall close the report with unsubstantiated findings after using due diligence in making every effort to obtain the information or locate the eligible adult.

**Q2:** When law enforcement requests APS to hold off on an investigation, can I still have a finding?

**A:** Yes. Law enforcement may sometimes ask you to limit certain aspects of your investigation (e.g., discussing specific allegations with the victim or AP) to avoid compromising their

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investigation. This should not preclude you from providing services and working with law enforcement to assist you in determining your findings. Your findings can differ from law enforcement's findings. The APS Specialist is investigating adult abuse, neglect or exploitation, and law enforcement is determining if a crime has been committed. In situations like these, consult your APS Unit Supervisor on best practices that support collaborations and partnerships with law enforcement.

**Q3:** When investigating a case where APS cannot see the eligible adult, would you follow the same investigative techniques and finding determination process as you would with a case where you could complete a face-to-face visit?

**A:** Yes. You would still complete your investigation and make a finding. However, if there is no information to corroborate, the inability to obtain it, or it is unnecessary to pursue the information, then an unsubstantiated finding would be appropriate.