

**Testimony of John Rojas, Chief Special Services Officer, New York City Human Resources
Administration, New York City Department of Social Services**

**Oversight: Adult Protective Services Referrals
before the New York City Council Committee on Aging
April 16, 2025**

Good morning Chair Hudson and members of the Committee on Aging. My name is John Rojas and I serve as the Chief Special Services Officer at the Human Resources Administration (HRA) within the Department of Social Services (DSS). My portfolio, among other programs, includes oversight of Adult Protective Services (APS). I would like to thank the committee for the opportunity to testify today on our work to deliver eligible clients the services and support they need to live independently and safely in their homes and our communities. I am joined by my colleagues, Deputy General Counsel Thomas Catapano and Deputy Commissioner of Adult Protective Services Gili (Galit) Hershkovich-Kim, and from the Department for the Aging Assistant Commissioner for Supportive Services Eileen Mullarkey.

Overview

Adult Protective Services (APS) is a New York State-mandated program (New York State Social Services Law Section 473) that helps New Yorkers 18 years of age and older, regardless of income and assets, who:

1. Are mentally and/or physically impaired; and
2. Due to these impairments, are unable to manage their own resources, carry out the activities of daily living, or protect themselves from abuse, neglect, exploitation or other hazardous situations without assistance from others; and
3. Have no one available who is willing and able to assist them responsibly

Criteria, mandates, and timeframes – the rules and regulations – that govern how APS operates are dictated by New York State. The State sets forth the criteria to abide by. The New York State Office of Children and Family Services provides oversight and their guidance governs the APS referral process, eligibility criteria, and how APS works.

When someone makes a referral to APS, our Central Intake Unit asks a range of questions to gather an understanding of the risk factors present and whether the individual may be eligible for services. If you or someone you know needs help, you can refer them to APS by calling 311, calling the DSS OneNumber at 718-557-1399, Monday through Friday, 9:00 AM to 5:00 PM,

Or completing a web referral at nyc.gov/apsrefer. APS does accept self referrals. If a situation is an emergency or life threatening, APS advises calling 911.

If the Central Intake Unit decides that the referred individual meets presumptive eligibility, he or she will be visited at home to initiate the assessment within 24 hours if the situation presents as life threatening, or within 3 business days in all other situations.

At an initial APS home visit, an APS caseworker will review an individual's physical and mental health living conditions, household budget and sources of income, status of rent and utility payments, ability to handle the activities of daily living, and any reported or unreported risk factors. The caseworker will evaluate if there is evidence of abuse and/or neglect, financial exploitation, or other potential hazards.

When an individual is determined eligible for APS services, the caseworker develops a service plan that can include any of the following:

- Referral for psychiatric and/or medical examination and ongoing care
- Assistance in obtaining and recertifying Medicaid and Home Care
- Applications for payment of rental and utility arrears
- Assistance in obtaining public assistance benefits and obtaining and recertifying Supplemental Security Income (SSI) or Social Security Disability (SSD) benefits
- Petitioning Housing Court for a Guardian ad Litem to assist with eviction prevention
- Identification of alternative living arrangements
- Financial management of Social Security benefits
- Referrals to the NYPD and District Attorney to address allegations of exploitation and abuse
- Heavy-duty cleaning services
- Petitioning Supreme Court for Community Guardians to manage property and personal affairs

Referrals

Returning focus to referrals now – APS receives referrals from a broad range of sources including but not limited to:

- Family, friends, concerned citizens
- Landlords and building managers
- Hospitals and medical personnel
- FDNY and EMS
- Housing Court judges and NYC Marshals
- Community based organizations
- Financial institutions
- Legal services providers
- Law Enforcement

- Self referrals
- Anonymous referrals

All information provided in an APS referral, including the identity of the referral source, is confidential (pursuant to Section 473-e of NYS Social Service Law). The APS Central Intake Unit obtains information by phone, online, email, or by fax. At intake, if the case meets presumptive eligibility, it is transferred to a borough field office (there is at least one APS office in each borough) to complete a comprehensive assessment. Alternatively, the Central Intake Unit may let a referrer know there is another social services program more appropriate to address the risks being reported.

Assessment determines eligibility. State law grants APS up to 60 days to determine eligibility. APS may or may not use all that time, one visit could be enough to determine eligibility.

Each time APS interacts with clients, we continue to assess if the client continues to meet the criteria State law sets out. During the course of putting a service plan forward, that may mean a case is eligible at one point in time and no longer eligible at another point in time, or vice versa. The criteria State law sets out answers why APS was unable to find an individual eligible for services or why a case did not remain with APS. Again in brief, that is: (1) mentally and/or physically impaired and (2) due to these impairments unable to manage their own risks/resources and (3) has no one available who is willing and able to assist them responsibly. An individual must meet all three criteria State law sets out, not just one or two of the three.

APS serves clients aged 18 and older who meet the three-part eligibility criteria set forth in State law. An advanced age does not supersede the assessment caseworkers are obligated to conduct. While we recognize the unique challenges older adults face, the vast majority of older adults referred to HRA do not meet the APS standards New York State's definition directs us towards in assessing eligibility.

Our staff is trained to observe and be mindful of the vulnerabilities and risk factors, those associated with age among others, ask the appropriate questions, and make a holistic assessment guided by the laws and regulations the State Office of Children and Family Services sets forth. Note also that the majority of APS services are on a voluntary basis; consent is a critical factor in the majority of cases and New York State Social Services Law requires APS to apply the least restrictive measures.

That said, the referral process is not an all or nothing enterprise. Staff pays attention to the needs of the individual concerned and the basis for the referral. At each point in the assessment process, staff are trained to seek to connect individuals to the resources, social services programs, and community-based organizations that are suited to the needs of the individual. Those individuals who do not meet the APS eligibility criteria can be referred for other social services. That can take the form of referral to Homebase, an older adult center, home delivered meals, case management, NYC Aging, or any number of programs and services that assist individuals live independently.

That kind of referral may occur early on in the process if it is clearly apparent that APS criteria are not met and APS is found to be the incorrect resource to meet the individual's needs.

With regard to other social service needs, APS clients are assessed in the round for the programs that best match their individual circumstances. Cash Assistance, one-shot deals, supportive housing, assisted living, NYCHA, and CityFHEPS all have eligibility criteria separate and apart from APS. There can be referral, guidance, and further assessment of eligibility insofar as the nature of different laws, regulations, and funding sources allow.

We endeavor to make the connections as seamless as possible for stakeholders and the communities we serve. There are a variety of venues through which that work takes place. One example, the Cabinet for Older New Yorkers serves as one venue for building connections between the 23 participating City agencies. We continue to think through how we can further connect intake, assessment, and case work across agencies – building more streamlined processes to deliver the appropriate help to New Yorkers.

There is no doubt that APS serves as a crucial piece of our social services safety net. Guided by New York State Social Services Law, APS has a distinct role to play in assisting some of the most at-risk individuals in our communities. Alongside the work of colleagues at HRA, DSS, NYC Aging, numerous sister agencies, and countless community organizations and stakeholders, we seek to ensure New Yorkers connect to the help they deserve.

Thank you for your attention to this topic. We welcome your questions.