



COMMONWEALTH OF VIRGINIA
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

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Manual - Adult Protective Services (APS) Division Manual

Transmittal # - DARS-APSD-29

The following acronyms are used in this transmittal:

AFC-Adult Foster Care
AG-Auxiliary Grants
APS-Adult Protective Services
AS-Adult Services
DARS-Department for Aging & Rehabilitative Services
DSS-Department of Social Services
dLCV- disability Law Center of Virginia
GAL-Guardian ad litem
HBS-Home-based services
HB-House Bill
LDSS-Local department of social services
SB-Senate Bill

The purpose of this transmittal is to provide revised guidance on the APS Division Manual, Chapters 1-5 and 7. Grammatical, capitalization, and punctuation changes that do not alter the meaning of the guidance are not identified in the transmittal.

The APS Division undertook revisions not only to reflect legislative changes and regulatory updates, but also in response to directives from the Office of Regulatory Management (ORM) to consolidate and reduce state agency regulations and guidance documents. Due to this directive, Chapter 4, Long-term Care, has been eliminated as a guidance document. Chapter 4 content was incorporated into other chapters where appropriate.

Unless otherwise stated, the provisions included in this transmittal are effective upon receipt.

This transmittal and manual are available on FUSION at:

<https://fusion.dss.virginia.gov/dars/DARS-Home/ADULT-SERVICES/Adult-Services-Manuals>

Changes to the manual are described in the following chart:

Chapter 1, “Introduction”	
Section	Significant Changes
Entire Chapter	<p>Ensured use of acronyms when appropriate.</p> <p>Struck reference to AG Program and regulations. The AG Program relocated to another DARS Division effective July 1, 2023.</p> <p>Struck duplicative or repetitive content.</p>
1.2	<p>Added content that lists the two programs included in the APS Division.</p> <p>Added language referencing the role of the AS specialists.</p>
1.5	Clarified and condensed the content describing the purpose of APS.
1.9	<p>Added information about record retention for certain types of screenings.</p> <p>Clarified that DARS is responsible for establishing a process to purge records in PeerPlace.</p>
1.10	Clarified heading.
1.10.9	Added Code of Virginia citation, which was previously located in Chapter 4, Long-term Care.
1.11	Clarified heading.
Appendix	Struck reference to DARTS, an obsolete repository of old APS and AS records. The system was decommissioned in February 2024.
Chapter 2, “Adult Protective Services”	
Section	Significant Changes
Entire Chapter	<p>Struck repetitive or duplicative content.</p> <p>Renumbered sections or references to sections in the chapter as needed.</p>
2.1	Clarified that AS may be provided to adults who do not meet APS criteria.
2.4	<p>Consolidated language in definition of “public guardian” and “public conservator” into definitions of “guardian” and “conservator.” Definitions changed in the Code of Virginia.</p> <p>Added language that was missing from the definition of “intimate parts.”</p>

2.5.3.1.5	Clarified location of the sample letter to mandated reporter.
2.5.3.7	Pursuant to HB 2344 and SB 1421, struck language that required the APS hotline to notify law enforcement of certain allegations in an APS report. Clarified that LDSS are responsible for notifying law enforcement.
2.5.3.8.1	Pursuant to HB 2344 and SB 1421, struck language that required the APS hotline to notify law enforcement of certain allegations in an APS report.
2.5.3.8.6	Clarified the worker's responsibility when a guardian fails to submit the annual report.
2.6	Added reference to a prior section of the chapter.
2.7.1.2	Clarified the response if the report indicates the alleged victim has died.
2.7.2.1	Defined acronym and clarified sentence.
2.7.2.5	Referenced grievance procedures at Department of Corrections.
2.10	Struck reference to DARTS, an obsolete repository of old APS and AS records. The system was decommissioned in February 2024. Clarified the individuals whom the worker may contact to initiate investigation.
2.10.2	Clarified how referrals are made to dLCV.
2.11.16	Pursuant to HB 2063 and SB 1144 updated the Code of Virginia citation regarding sharing of records with a GAL.
2.12.1.2	Clarified that certain assessment tools are programed in PeerPlace.
2.12.2	Clarified that worker's certification of the assessment is programmed in PeerPlace.
2.14.5	Clarified the worker's response if the adult died during the investigation.
2.14.6	Clarified process of making referrals to other agencies.
2.18.12	Referenced a prior section in the chapter.
2.18.16	Pursuant to SB 1223 updated the Code of Virginia citation.
Appendix	Added term "final" to description of the guardian report form. Struck sample letter of understanding. The sample letter will be accessible to LDSS on the DSS intranet.

	Struck sample letter to mandated reporter. The sample letter will be accessible to LDSS on the DSS intranet.
Chapter 3, “Case Management”	
Section	Significant Changes
Entire Chapter	<p>Ensured use of acronyms when appropriate.</p> <p>Struck duplicative or repetitive content.</p> <p>Struck the term “problem” or changed it to “condition” or “need.”</p> <p>Renumbered sections or references to sections in the chapter as needed.</p>
3.2	Added definition of “adult foster care.”
3.4	Clarified guidance regarding intake process.
3.5	Added guidance directing user to access other manuals or manual chapters.
3.5.1	Added Code of Virginia citation about AFC.
3.6.3	Clarified guidance by adding term “report.”
3.7	Added guidance from Chapter 4 about local board HBS policy.
3.7.2	<p>Referenced definition in prior section.</p> <p>Moved guidance that addresses certain eligibility criteria from Chapter 4 to Chapter 3.</p>
3.9-3.11	Moved guidance about AFC from Chapter 4 to Chapter 3.
3.12	<p>Moved guidance about AGSH from Chapter 4 to Chapter 3.</p> <p>Directed user to access the AGSH Operating Manual for additional information about AGSH.</p>
3.17.3	Referenced DSS manual and other manuals.
Appendices	<p>Moved list of forms from Chapter 4 to Chapter 3.</p> <p>Clarified that a person who requests a screening must be screened before services can begin.</p>
Chapter 4, “Long-Term Care Services”	
Section	Significant Changes

Entire Chapter	Struck chapter content. Several areas in chapter were duplicative of content in other chapters and manuals. Non-duplicative content was included in Chapter 3.
Chapter 5, Adult Services Approved Providers	
Section	Significant Changes
Entire Chapter	<p>Ensured appropriate use of acronyms.</p> <p>Struck duplicative or repetitive content and struck content that is also available on websites. Referenced websites when appropriate.</p> <p>Added new regulatory citations or amended regulatory citations to comport with 22VAC 30-120 which became final in June 2023.</p>
5.2	Added and struck certain definitions to comport with revised regulations.
5.4	Clarified heading to reflect content that follows.
5.5	Clarified heading to reflect content that follows.
5.5.2.1	<p>Clarified heading to reflect content that follows.</p> <p>Struck content about local police records and records from other states as this information is not addressed in the Code of Virginia or state regulations.</p>
5.8.1	Clarified heading to reflect content that follows.
5.13	Added information about uninsured motor vehicle fee and clarified that this fee doesn't satisfy regulatory requirements for auto liability insurance.
5.16	Clarified heading to reflect content that follows.
5.17.1	Edited sentences to align with other content in the section.
5.18.1	Clarified the appropriate local agency and the budget line to pay for water testing.
5.22.1	<p>Clarified the provider's role in requesting a variance.</p> <p>Struck reference to APS Division Regional Consultant having a role in deciding variance. Decision to issue a variance is a local only decision.</p>
5.23.2	Clarified heading to reflect content that follows.
5.26	Clarified heading to reflect content that follows.
Appendix	Struck examples of forms or letters in Appendix B-H. These documents will now be available on the DSS intranet.

	<p>Renumbered Appendices.</p> <p>Clarified description of some barrier crimes listed to comport with descriptions in the Code of Virginia.</p>
Chapter 7, “Guardianship and Conservatorship”	
Section	Significant Changes
Entire Chapter	<p>Ensured appropriate use of acronyms.</p> <p>Struck repetitive or duplicative content.</p> <p>Struck sample letters to guardians and the court, and “Instructions for Newly Appointed Guardians” and relocated this content to DSS intranet.</p> <p>Added “LDSS” in front of term “worker” and added “worker” after term “LDSS” when appropriate.</p>
7.1	<p>Added Code of Virginia citation.</p> <p>Aligned definitions of “guardian,” “conservator,” and “guardian ad litem” with Code of Virginia.</p>
7.2	Moved content from another section to the beginning for the chapter.
7.2.1	Clarified sentence about determining need for a guardian.
7.2.2.1	<p>Clarified Code of Virginia citation pursuant to HB 2383.</p> <p>Clarified the role of the LDSS worker in capacity evaluation.</p>
7.2.2.2	Clarified role of the LDSS worker in petition process.
7.2.5.5	<p>Edited sentence to clarify meaning.</p> <p>Added content about reason LDSS may file a petition.</p>
7.2.5.6	Clarified Code of Virginia citation pursuant to HB 1860 and HB 2383.
7.2.7	Added guidance regarding qualification process.
7.2.8	Added guidance about periodic review hearings pursuant to SB 987.
7.2.9	Added guidance about duties and powers of guardian pursuant to HB 2027 and HB 2028.

7.2.10	Added Code of Virginia citation pursuant to HB 2027. Added content about the role of the LDSS in managing restriction notices and court orders resulting from a restriction notice.
7.2.12	Clarified LDSS procedure in response to a guardianship termination.
7.3	Revised heading to better reflect content that follows.
7.3.1	Added reference to uploading the certificate of qualification. Clarified when a service plan is needed for a guardianship case.
7.3.2	Edited section to improve clarity.
7.3.2.1	Added Code of Virginia citation.
7.3.2.7	Changed “guardianship” to “appointment.” Added reference to certificate of qualification. Changed APS consultant to AS specialist.
7.3.2.9	Added guidance about LDSS worker’s role when reviewing question 9 on the annual report form.
7.3.2.10	Added Code of Virginia citation. Clarified role of LDSS worker when reviewing annual report form. Specified where documents are to be uploaded in case management system. Changed “shall” to “may.”
Appendix A	Added new form to list of forms pursuant to HB 2027.
Appendix B	Added and edited content to “Guidelines for Review of Guardian’s Report” pursuant to HB 2028.

Questions about this transmittal may be directed to the appropriate APS Division staff.


Kathryn A. Hayfield, Commissioner