

Self-neglect and our right to choose

The guiding value for the Department of Family Services/Adult Protective Services is “that for every action taken there must be a balance of the duty to protect the safety of the vulnerable adult and the adult’s right to self-determination.”

This is the same value that all Adult Protective Service agencies attest to and to which the laws that govern our agency are defined.

When interests compete, the adult client is the person we are charged to serve — not the community concerned about safety, the landlord’s concern about property, citizens concerned about crime or morality, nor families concerned about their own health or finances.

Freedom is universally noted to be more important than safety, and the person can choose, and has the legal right to live in, harm providing that she/he has the capacity to choose, does not harm others, and commits no crime.

We realize the frustration for families and professionals regarding self-neglect, and we make every effort to support their concerns and to facilitate their understanding of our laws and of the resources available in their communities. Each community has an Adult Protective Services team which is an additional resource for families and agencies.

Our intent is to provide a link to services for individuals and to support the (1)

freedom of their choices, (2) their safety, (3) the least disruption of their lifestyle and (4) their right to continue to make choices.

The department does not take custody of adults, nor do we have any authority to admit individuals to facilities.

I am going to use a fictitious case that combines several situations our offices have dealt with, whereby a woman we shall call Lydia had fourth-stage cancer and wanted to die at her home, where she had lived for 40-plus years with her three cats and she loved to read but was unable to go to the library for books.

The medical profession felt the end of her life should be in a facility where she had nursing oversight and was in a clean environment. She had the capacity to consent which is defined in our statutes.

Our intent was to honor her choice and to connect her to in-home services. She was not willing to have services, but she did agree to have a senior companion.

In that our agency has very limited funds, we need our communities and our partners to support vulnerable adults and



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elders in partnership with us. We were able to find a local church that would make sure she did not run out of cat food and groceries, and her senior companion knew of someone who would bring her books from the library on a regular basis.

We also knew that the senior companion would let us know if her situation changed. Lydia died at home.

Some might feel that Family Services failed Lydia, that we should have done more or done things differently. Others might feel as I do, that Wyoming Family Services honored Lydia’s choice and partnered with her community.

We all will want the right to self-determine as we age and/or assume a disability, just as Lydia did.

Our laws allow us to provide emergency services if the vulnerable adult lacks the capacity to consent and if the court finds by a preponderance of the evidence that this exists. The court, not Adult Protective Services, may then

admit a vulnerable adult/elder to a hospital or other suitable facility.

The order shall remain in effect for no longer than 72 hours and may be extended if the court finds the extension is necessary to remove the emergency.

Department of Family Services can assist with locating family and/or someone to assume legal responsibility for the vulnerable adult/elder. Family Services does not assume this legal responsibility.

Capacity to consent is determined in court with supporting documentation from physicians and mental health professionals. There is an assumption that adults with developmental disabilities or mental illness lack capacity to consent. This is not true, and there are far less restrictive supports to assist these individuals in managing their lives, which may include financial and medical.

Our work is about balancing the duty to protect vulnerable adults while respecting their right to make choices regarding their own care, as long as they are able.

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Center Stage is written by friends of the Senior Center for the Sheridan community. It is a collection of insights and stories related to living well at every age.