

Elder Benefit Specialist Role in Adult Protective Service Referrals

The Elder Benefit Specialist is supervised by a program attorney through the Elder Law Center and by the ADRC Director. As a legal assistance program the Elder Benefit Specialist program operates under attorney-client privilege. Under this status she is not a mandated reporter for Adult Protective Services, and is in fact prohibited from reporting. This includes not being allowed to report to the Information Assistance Specialists or the ADRC Director without client consent.

The Elder Benefit Specialist needs to get verbal and preferably written consent from the client or the client's Power of Attorney for Finance to make a report. They are allowed to strongly suggest to clients that they need to report a situation if it is indicated that a report should be made. The Program Attorney indicated that if a Benefit Specialist did make a report without client consent they would be in violation of ethical standards for legal professionals as set forth under Supreme Court Rules.

APS staff should be aware that even if they ask the Benefit Specialists to contact their clients to offer services if they believe a service is needed, Benefit Specialists are not allowed to do so. For that reason, APS staff should advise their clients to call the Elder Benefit Specialist.