

PROTOCOL NO. 202 ROLE OF THE ADVOCATE IN THE ABUSE AND NEGLECT INVESTIGATION PROCESS	
Issued:	November 1, 2000
Revised:	February 11, 2002; November 4, 2014; February 4, 2016; October 1, 2016; September 2018; May 1, 2019; October 13, 2021
Formerly:	Protocol No. 108
Protocol:	The Office of Human Rights (OHR) is committed to ensuring individual’s rights protection. Concerning the provider’s investigation of abuse, neglect, or exploitation (ANE), the OHR will monitor a provider’s compliance with the human rights complaint resolution process. Specifically, the OHR Advocate will hold the provider accountable for all regulatory mandates regarding the investigatory process, and may conduct an independent review in fulfilling the OHR’s commitment to the individual.
Procedures:	<p>Each Advocate shall monitor all individual ANE investigations and protect the rights of the individual. This begins immediately with assessing safety of the individual(s) involved (see Protocol No. 309). Subsequent monitoring is focused on ensuring that the human rights complaint resolution process is managed appropriately by the licensed provider or state operated facility. This includes ensuring that the allegation is entered into CHRIS, and appropriate corrective action is implemented. The Advocate may sit in on interviews if the individual/AR request this; however, monitoring may also include reviewing information entered in CHRIS as well as reading the written investigation summary/report to include any witness statements, photographic evidence or other documents that are not contained in CHRIS.</p> <p><b><u>Facility Advocates</u></b>            Upon notification of an ANE investigation, the Facility Advocate will identify themselves and their role to the individual.</p> <p>The Facility Advocate may:</p> <ol style="list-style-type: none"> <li>1. Independently interview anyone involved in an abuse and neglect investigation.</li> <li>2. Submit a separate report of their findings to the SHRD and/or Associate Director for Facility Operations.</li> <li>3. Submit recommendations to the Facility Director for the prevention of future ANE and non-compliance.</li> </ol> <p>The Facility Advocate shall:</p> <ol style="list-style-type: none"> <li>1. Immediately assess safety of the individual(s) involved (see Protocol No. 309).</li> <li>2. Monitor the investigation, including the facility’s notification of the allegation to DSS (i.e., APS or CPS), and when applicable, local law enforcement agencies.</li> <li>3. Follow procedures outlined in Protocol No. 315 when a violation of an individual’s human rights has occurred.</li> <li>4. Ensure the individual is notified of the findings of the investigation; and,</li> <li>5. Assist the individual in their right to request a review by the LHRC or SHRC</li> </ol> <p>The Facility Advocate will monitor the Facility Director’s implementation of any recommendations(s) and ensure the case is closed in CHRIS.</p> <p><b>NOTE:</b> The Facility Advocate will follow procedures outlined in Departmental Instruction 201 regarding ANE investigations whenever those procedures conflict with this protocol.</p> <p><b><u>Community Advocates</u></b></p>

Upon notification of an ANE investigation, the Community Advocate will review the entry in CHRIS and provide technical assistance directly to the licensed program as needed.

The Community Advocate may:

1. Independently interview anyone involved in an abuse and neglect investigation.
2. Submit a separate report of their findings to the SHRD and/or Associate Director for Community Operations.
3. Submit recommendations to the provider Director for the prevention of future ANE and non-compliance.

The Community Advocate shall:

1. Immediately assess safety of the individual(s) involved (*see Protocol No. 309*).
2. Monitor the provider's investigation, including the provider's notification of the allegation to DSS (i.e., APS or CPS), and when applicable, local law enforcement agencies.
3. Follow procedures outlined in Protocol No. 316 when a violation of an individual's human rights has occurred
4. Ensure the individual is notified of the findings of the investigation; and,
5. Assist the individual in their right to request a review by the LHRC or SHRC

	<p>May 1, 2019</p>
<p><b>Deborah M. Lochart, State Human Rights Director</b></p>	<p><b>Effective Date</b></p>