

<b>PCP:</b>	Page 1 of 5
<b>SECTION: Personnel</b>	
<b>POLICY AND PROCEDURE: Personnel Training: Elder Abuse Reporting</b>	Approved date: _____ Approved by: _____ Effective date: _____ Revised date: _____ Revised date: _____

**POLICY:**

Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed, suspects, or has knowledge of an incident that reasonably appears to be physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect), or is told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse, abandonment, isolation, financial abuse, abduction, or neglect, shall report the known or suspected instance of abuse to the appropriate agency. (Welfare and Institutions Code § 15630 [b]).

**PROCEDURE:**

**I. Reporting**

**A. Reports must be made both by telephone and in writing**

1. A **telephone report** must be made **immediately** or as soon as practically possible
2. A **written report** is to be made **within two working days** using the SOC 341, "Report of Suspected Elder/Dependent Adult Abuse" form (see attachment)
  - To request a supply of SOC 341s, send a letter or fax to:  
**Department of Social Services Warehouse**  
**P.O. Box 980788**  
**West Sacramento, Ca 95798-078**  
 Fax: 916-371-3518
3. All of the following types of abuse must be reported:
  - Physical abuse (including sexual abuse)
  - Abandonment
  - Isolation
  - Abduction
  - Financial abuse
  - Neglect (including self-neglect)
4. Report to the local law enforcement agency or to Adult Protective Services when abuse, neglect or self-neglect is suspected to have occurred in the community
5. Report to the local law enforcement agency or to Long Term Care Ombudsman when the abuse, or neglect is suspected to have occurred in a long-term care facility

**POLICY AND PROCEDURE: Personnel Training: Elder Abuse Reporting**

6. **Failure to make a mandated report is a misdemeanor, punishable by imprisonment in the county jail for up to six months, or a fine of up to \$1,000, or both**
  7. Any mandated reporter who willfully fails to report abuse of an elder or a dependent adult, where the abuse results in death or great bodily injury, may be punished by up to one year in the county jail, or by a fine of up to \$5,000, or both imprisonment and fine
  8. A single report may be made when two or more persons have knowledge of a suspected instance of abuse
- II. Exceptions to Reporting Requirement**
- A. There are exceptions to the requirement to report:
1. Reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred
  2. The elder or the dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of mental illness or dementia
  3. The reporter reasonably believes that the abuse did not occur
- III. Possible Indicators of Abuse or Neglect**
- A. Physical Signs
1. Injury that has not been cared for properly
  2. Injury that is inconsistent with explanation for cause
  3. Pain from touching
  4. Cuts, puncture wounds, burn, bruises, welts
  5. Dehydration or malnutrition without illness-related cause
  6. Poor coloration
  7. Sunken eyes or cheeks
  8. Inappropriate administration of medication
  9. Soiled clothing or bed
  10. Frequent use of hospital or health care/doctor shopping
  11. Lack of necessities such as food, water, or utilities
  12. Lack of personal effects, pleasant living environment, personal items
  13. Forced isolation
- B. Behavioral Signs
1. Fear
  2. Anxiety, agitation
  3. Anger
  4. Isolation, withdrawal
  5. Depression

**POLICY AND PROCEDURE: Personnel Training: Elder Abuse Reporting**

6. Non-responsiveness, resignation, ambivalence
  7. Contradictory statements, implausible stories
  8. Hesitation to talk openly
  9. Confusion or disorientation
- C. Signs by Caregiver
1. Prevents elder from speaking to or seeing visitors
  2. Anger, indifference, aggressive behavior toward elder
  3. History of substance abuse, mental illness, criminal behavior, or family violence
  4. Lack of affection toward elder
  5. Flirtation or coyness as possible indicator of inappropriate sexual relationships
  6. Conflicting accounts of incidents
  7. Withholds affection

**IV. Definitions**

- A. Abandonment: The desertion or willful forsaking of an elder or dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care or custody
- B. Abduction: The removal from California, and/or the restraint from returning to California, of an elder/dependent adult who does not have the capacity to consent to such removal or restraint, as well as the removal or restraint of any conservatee without the consent of the conservator or court order
- C. Abuse of an elder or a dependent adult: Physical abuse (including sexual abuse), neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid harm or mental suffering
- D. Dependent adult: Any person between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights. This includes, but is not limited to, persons who have physical or developmental disabilities. It also includes those whose physical or mental abilities have diminished because of age as well as any 10 to 64 year old who is admitted as an inpatient to a 24-hour health facility
- E. Elder: Any person who is 65 years of age or older

**POLICY AND PROCEDURE: Personnel Training: Elder Abuse Reporting**

- F. Financial Abuse: A situation in which a person or entity takes, secretes, appropriates or retains the real or personal property of an elder or dependent adult to a wrongful use, or with intent to defraud, or both, OR assists another in this process. The person or entity is deemed to have committed financial abuse if such actions were taken, in bad faith. A person or entity is considered to have acted in bad faith if he/they knew or should have known that the elder or dependent adult had the right to have the property transferred or made readily available to him/her or to his/her representative
- G. Goods and services: includes but is not limited to all of the following:
- The provision of medical care for physical and mental health needs
  - Assistance in personal hygiene
  - Adequate clothing
  - Adequately heated and ventilated shelter
  - Protection from health and safety hazards
  - Protection from malnutrition, under circumstances where the results include, but are not limited to, malnutrition and deprivation of necessities or physical punishment
  - Transportation and assistance necessary to secure the above goods and services
- H. Isolation: any of the following unless performed pursuant to a medical care plan, or unless performed in response to a reasonably perceived threat of danger to property or physical safety:
- Preventing the elder or dependent adult from receiving his/her mail or telephone calls
  - Telling a caller or visitor that the elder or dependent adult does not wish to see/speak to the person, when this is contrary to the elder or dependent adult's wishes, regardless of whether he/she is mentally competent
  - False imprisonment, as defined in California Penal Code, Section 236
  - Physical restraint of the elder or dependent adult to prevent contact with family, friends, or concerned persons
- I. Mental suffering: fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by threats, harassment, or other forms of intimidating behavior
- J. Neglect: the negligent failure of any person having care or custody of an elder or dependent adult to exercise that degree of care that a reasonable person in a like position would exercise, including, but not limited to:
- Failure to assist in personal hygiene or in the provision of food, clothing, or shelter
  - Failure to provide medical care for physical and mental health needs

**POLICY AND PROCEDURE: Personnel Training: Elder Abuse Reporting**

- Failure to protect from health and safety hazards
  - Failure to prevent malnutrition or dehydration
- K. Physical abuse: assault, battery, assault with a deadly weapon or with force likely to produce great bodily injury, unreasonable physical constraint, prolonged or continual deprivation of food or water, sexual assault or battery or rape (including spousal rape, incest, sodomy, oral copulation, or penetration by a foreign object). Physical abuse also includes the use of physical or chemical restraint or psychotropic medication either for punishment or for a period or purpose beyond which the restraint or medication was ordered by the attending, licensed physician
- L. Reasonable suspicion: an objectively reasonable suspicion of abuse that a person should entertain, based upon the facts, and drawing upon the person's training and experience
- M. Self-neglect: failure of the elder or dependent adult to exercise a reasonable degree of care in providing for his/her own needs in such areas as personal hygiene, food, clothing, shelter, medical and mental health care, or avoiding health and safety hazards, malnutrition or dehydration, when that failure is due to ignorance, illiteracy, incompetence, mental limitation, substance abuse or poor health