

ADULT PROTECTIVE SERVICES

Mandated Reporting
Dependent Adult and Elder Abuse

Mandate

- ❑ Investigate reports of abuse and neglect for elders and dependent adults
- ❑ Cross report to other jurisdictions (i.e. Long-term Care Ombudsman) when appropriate
- ❑ Receive reports 24 hours a day, seven days a week and respond when necessary.

Staffing in Sacramento County

- ▣ One APS office serving the whole county
- ▣ Intake hotline unit
 - One supervisor, seven intake social workers
- ▣ Eight investigations units, including 2 Financial Abuse Units
 - Eight supervisors, 43 social workers
- ▣ Public Health Nurses
 - One supervisor, five nurses
- ▣ Family Service Workers
 - One supervisor, five paraprofessionals

Population Served

- ▣ Elders - age 65+
- ▣ Dependent Adults - age 18 - 64
 - Physical or Intellectual Disability resulting in a functional impairment who cannot meet daily needs or manage their own care
 - Any adult admitted as an inpatient to a 24 hour health facility

Dependent Adults

- ▣ APS intake workers will ask lots of questions to determine if someone is a dependent adult
- ▣ Questions will focus on the client's ability to complete ADLs and IADLs
- ▣ HIPAA protected diagnosis not needed with possible exceptions of self-neglect or medical neglect (ex. Failure to take psychotropic meds)

Sacramento County Response Timeframe

- ❑ Crisis intervention: Priority 1, 2, and 3
- ❑ 24-hour response: One after-hour APS social worker on-call for Sacramento County
- ❑ Assessment/Investigation/Service Planning
- ❑ Time limited case management (up to 90 days)
- ❑ Advocacy, education, and referrals

Limits to APS

- ❑ Not intended to interfere with the lifestyle choices of clients, nor to protect them from consequences of their choices.
- ❑ An abused client may refuse preventative or remedial services by APS (two exceptions: mental incapacity or a report of a crime allow APS to proceed if warranted).
- ❑ If the client is incapacitated to the extent that he/she is unable to consent to services, a petition for conservatorship may be initiated, if less restrictive alternatives were tried.

Who is a Mandated Reporter?

Welfare and Institutions Code Section 15630 (a)

Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult,

whether or not that person receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults,

or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter.

Care Custodians

- ▣ **All staff and volunteers of facilities, businesses, programs and agencies providing healthcare and social services, including maintenance and support staff**
- ▣ Humane societies and animal control
- ▣ Code enforcement
- ▣ Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults

Where Do I Report Abuse/Neglect?

- ▣ APS Intake Hotline
- ▣ Local law enforcement
 - Has jurisdiction *anywhere a crime occurs*.
 - Always call law enforcement to report a crime.
 - For a crime in progress or a life-threatening situation, call 911 right away.

Confidentiality of Reports

Welfare and Institutions Code Section 15633 (a)

- APS reports (and mandated reporter identity) are confidential.
- The mandated reporter identity can only be disclosed to specific agencies, including local law enforcement, the District Attorney's office, probate court and a licensing agency.
- Violation of confidentiality is a misdemeanor punishable by jail time, a fine or both.

Reporting is an Individual Responsibility

Welfare and Institutions Code 15630 (f) and (h)

- ❑ Mandated reporting duty is an individual responsibility, not an agency responsibility. Supervisors/administrators cannot impede reporting.
- ❑ Agencies may have internal procedures to facilitate reporting, ensure confidentiality, and apprise supervisors/administrators as long as the procedures allow timely reporting.
- ❑ Mandated reporters will not be subject to any sanction for making the report (unless it can be proven it was a false report).
- ❑ Failure to report is a misdemeanor punishable by jail time, a fine and or both.

Multiple Reporters

Welfare and Institutions Code 15630 (c) (5) (d)

- When two or more mandated reporters *are present and jointly have knowledge or reasonably suspect* abuse and there is agreement among them, a single report may be made by the one selected member of the team.
- Any member who has knowledge that the designated member failed to do so shall thereafter make the report.

Types of Abuse

Physical Abuse

Sexual Abuse

Neglect

Self-Neglect

Financial Abuse

Abduction

Abandonment

Isolation

Psychological/Emotional Abuse

Physical Abuse

Welfare and Institutions Code 15610.63

- ▣ Assault/Battery
- ▣ Unreasonable physical constraint
- ▣ Prolonged deprivation of food and water
- ▣ Over/under medicating a person to control behavior or as a punishment
- ▣ Sexual assault including rape, spousal rape, lewd or lascivious acts.

Signs of Physical Abuse

Sprains, dislocations, and fractures

Abrasions and bruises that resemble rope or strap marks or handprints

Injuries with an inconsistent explanation

Bruises to head, inside of the arms, genitalia, or soles of the feet

Injuries in various stages of healing

Signs of malnutrition or dehydration without correlating illness

Sexual Abuse

- ▣ A form of physical abuse
- ▣ Any nonconsensual sexual contact of any kind including (but not limited to):
 - Unwanted touching
 - All types of sexual assault and battery
 - Sexually explicit photography
 - Forced exposure to pornography
 - Unwanted relations with a spouse or partner

Neglect

Welfare and Institutions Code Section 15610

- ❑ Failure of a caretaker to provide adequate care and supervision, including:
 - Food, clothing or shelter
 - Medical care
 - Mental health care
 - Medication management
 - Lack of supervision
- ❑ Failure of a person to care for him/herself constitutes self-neglect.

Neglect/Self-Neglect Examples

- Neglect examples include:
 - Failure to feed an elder (malnourishment).
 - Leaving a memory-impaired adult without supervision.
 - Failure to turn an elder confined to a bed.
- Self-neglect examples include:
 - Refusing to see a physician when serious health problems are identified.
 - Hoarding behaviors that jeopardize safety.
 - Not taking medications as prescribed by the physician.

Financial Abuse

Welfare and Institutions Code Section 15610.30 (a)

Financial abuse of an elder or dependent adult occurs when person or entity does any of the following:

(1) Takes, secretes, appropriates, or retains real or personal property of an elder or dependent adult to a wrongful use or with the intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, or retaining real or personal property of an elder or dependent adult to a wrongful use or with intent to defraud, or both.

(3) Takes, secrets, appropriates, obtains, or retains real or personal property of an elder or dependent adult by undue influence, as defined in Section 1575 of the Civil Code (This section effective January 1, 2009).

Sacramento County Financial Abuse Data

- ▣ Approximately 2151 reported allegations of financial abuse (FA) in FY 2016/2017, a 68% increase since FY2012/2013
- ▣ Approximately 22% of FA allegations confirmed by APS social workers
- ▣ In confirmed cases closed between FY 2016/2017:
 - 42% of perpetrators were strangers (because of the increase in scams) while 34% of perpetrators were relatives
- ▣ In 2016-2017, APS confirmed that clients lost over \$ 9 million to financial abuse, with \$ 4.8 million of that loss resulting from scams

Why are Elders Targeted?

- ▣ Elders control approximately 70% of the nation's wealth
- ▣ Few financial abuse crimes are reported
- ▣ Elders often don't know they have been financially abused
- ▣ Rarely press charges against relatives and close friends
- ▣ Poor memory so they cannot be good witnesses for prosecution
- ▣ Easy target because they live alone and/or are isolated

Client Vulnerabilities to Financial Abuse

- ▣ Living alone
- ▣ Cognitively Impaired
- ▣ Isolated
- ▣ Perpetrator has complete, unrestricted access to client
- ▣ Totally dependent on others to handle finances
- ▣ Abusing substances
- ▣ Chronic, serious health problems
- ▣ Mental illness

Frequent Reported Financial Abuse Allegations

- ▣ Stranger telephone or computer scams (“You owe the IRS lots of money”, “Your grandson has been thrown in jail”, “Your computer has a virus and I can fix it”, “You have won a prize and need to send money to claim the prize”, etc.)
- ▣ Family member has POA to help client with finances but takes money from client every month
- ▣ Relative/friend tricked client into signing over their house
- ▣ Caregiver has access to client’s ATM/checks to pay bills and stole money while client was hospitalized
- ▣ Contractor/home repair scams
- ▣ Financial institution calls to say client has been writing checks for unusually large amounts
- ▣ Client paying excessive amounts for services such as gardening (\$1000/month) or rent

Indicators of Financial Abuse

- ▣ Bills not being paid
- ▣ Evictions when client has the income to pay rent or mortgage
- ▣ Overdrafts when it is unusual for the client
- ▣ Sudden isolation
- ▣ Utilities being shut-off
- ▣ Credit card in client's name that the client did not open
- ▣ Unusual spending patterns for client (purchases at liquor stores, withdrawals at casinos, etc.)
- ▣ Forged checks
- ▣ New "best friends"
- ▣ Sudden change in will or POA documents
- ▣ Client bought a new car and client does not drive
- ▣ Unexplained loss of funds and/or valuable possessions

Abandonment

Welfare and Institutions Code Section 15610.05

Deserting or abandoning an elder or dependent adult when the person has responsibility for care and a reasonable person would continue to provide care and custody.

Isolation

Welfare and Institutions Code Section 15610.43

- ❑ Intentionally preventing access to mail or telephone calls
- ❑ Lying to callers or visitors or physically restraining the elder or dependent adult to prevent contact with others
- ❑ False imprisonment

Psychological/Emotional Abuse

- Mandated reporters may report psychological or emotional abuse but are not required to do so by law.
- Verbal abuse resulting in extreme distress for a client.
- Threatening a client with loss of something important if they do not comply with demands.

Should I Make a Report?

- ❑ If you have a reasonable suspicion of abuse or neglect based on your observations, knowledge and/or what you are told by the elder or dependent adult, complete a report.
- ❑ Suspicion of abuse or neglect, *not proof*, is required to make a report.
- ❑ Reporters are required to report, not investigate.

Making the APS Report

1. Call the hotline # *immediately or as soon as practicably possible.*
2. Complete and send the written **Report of Suspected Dependent Adult/Elder Abuse (SOC 341 form)** *within two working days.*

Submitting the Written Report

- ❑ SOC 341 reporting forms are available today and online at Sacramento County and California state websites.

- ❑ Fax (874-9662) or mail the SOC 341 form to APS

- ❑ Mailing address:

Sacramento County Adult Protective Services,

P.O. Box 269131

Sacramento, CA 95826

24-Hour Reporting Hotlines for all the counties in CA:

<http://www.cdss.ca.gov/inforesources/County-APS-Offices>



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