

## **Adult Protective Services**

Adult Protective Services, through the provision of social services, seeks to maintain the elder or dependent adult safely in his/her normal environment by strengthening his/her capacity for self-maintenance.

Adults, unless legally conserved, have the right to self-determination, which includes the right to make poor decisions. They also have the right to accept or refuse services from APS.

Adult Protective Services cannot:

- make someone change his/her lifestyle
- make someone get treatment
- force relatives to assist
- respond after hours in the same way as during office hours
- obtain an immediate conservatorship
- provide ongoing case management

Adults cannot be put into protective custody except in extreme medical or mental health situations.

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# **Elder and Dependent Adult Abuse**

**Solano County**

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## **Mandated Reporters**

The law states that "Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not the 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." Officers and employees of financial institutions are mandated to report suspected financial abuse. [Welfare and Institutions Code §15630] Mandated reporters are encouraged to make reports about incidents which have not occurred in the course of their professional or care custodian responsibilities.

## **Anonymous Reports**

People who are not mandated reporters may make reports anonymously. However, all reporters are encouraged to give their name and phone number to assist in the investigation if needed.

## **Identity of Reporter**

The identity of all persons who report is confidential and is not disclosed to the victim or alleged abuser. However, if the matter goes to court, the identity of the reporting party is in court papers.

## **What to Report**

Mandated reporters are required to report: physical and sexual abuse, abandonment, isolation, financial abuse and neglect (including self-neglect). Mandated reporters are encouraged, but not required, to report mental suffering. Officers and employees of financial institutions are mandated to report suspected financial abuse.

## **When Reports Should Be Made**

Reports are to be made when mandated reporters:

- have witnessed an incident,
- have been told of an incident, or
- reasonably suspect that abuse has occurred.

## **How to Make a Report**

Mandated reporters are required to report incidents of known or suspected abuse in two ways:

- by telephone, immediately, or as soon as practically possible,  
and
- by written report on State Department of Social Services Form, "Report of Suspected Dependent Adult/Elder Abuse" (SOC 341) within two working days.

## **Results of Investigation**

Reports of suspected adult abuse and neglect are investigated by social workers, public health nurses, mental health clinicians and/or law enforcement. The results of the investigation are confidential. Mandatory reporters may be given brief feedback about the investigation.

| Kinds of Abuse  | Physical/Sexual Abuse  | Abandonment  | Isolation  | Financial Abuse  | Neglect/<br>Self Neglect  | Abduction   | Mental Suffering  |
|---|--|--|--|--|---|---|---|
| <b>Definition</b><br><br>Welfare and Institutions Code §15610 | Physical abuse means: assault; battery; assault with a deadly weapon or force likely to produce great bodily injury; unreasonable physical constraint; continual deprivation of food or water. Sexual assault means: sexual battery; rape; spousal rape; incest; sodomy; oral copulation; sexual penetration; lewd or lascivious acts. Use of physical or chemical restraint for punishment or for any purpose not authorized. | Desertion or willful forsaking by anyone having care and custody of that person under circumstances in which a reasonable person would continue to provide care and custody. | Acts intentionally committed for the purpose of preventing a person from receiving his or her mail or telephone calls; telling a caller or prospective visitor that an elder or dependent adult is not present or does not want to speak to the caller/visitor; false imprisonment; physical restraint for the purpose of preventing from meeting with visitors. | Occurs when a person or entity takes, hides, appropriates, or retains real or personal property for a wrongful use or with intent to defraud or both. Occurs when a person or entity assists in the above. | Neglect can be the failure of a person having the care or custody of an elder or dependent adult or the negligent failure of the person themselves. Includes: personal hygiene; provision of food, clothing or shelter; failure to provide medical care; failure to protect from health and safety hazards; failure to prevent malnutrition or dehydration. | Removal from the state or the restraint from returning to the state of an elder or dependent adult who does not have the capacity to consent to removal from the state. | Means fear, agitation, confusion, severe depression or other forms of serious emotional distress that is brought by forms of intimidating behavior, threats, harassment, or by deceptive acts performed or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress. |

| Location of Abuse   | Who to Call Immediately  | Where to Send Written Report in Two Working Days   | Penalties   | Protections and Other Provisions  |
|---|--|--|---|---|
| <b>Community Independent Living</b>                               | Adult Protective Services during regular office hours at (707) 784-8259 or after hours at (800) 850-0012 or local law enforcement. Regular office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday, except holidays. | FAX to Adult Protective Services at (707) 784-2440 or mail to: Adult Protective Services 275 Beck Avenue MS 5-110, Fairfield, CA 94533 or local law enforcement.         | Failure to report physical abuse, sexual abuse, abandonment, financial abuse, abduction, or neglect is a misdemeanor, punishable by not more than six months in county jail or by a fine of not more than \$1000, or by both fine and imprisonment. Any mandated reporter who willfully fails to report, where the abuse results in death or great bodily injury, may be punishable by not more than one year in county jail or by a fine of up to \$5000, or by both imprisonment and fine.<br><br>Officers and employees of financial institutions who fail to report financial abuse of an elder or dependent adult are subject to civil penalty not exceeding \$1000. Individuals who willfully fail to report financial abuse are subject to a civil penalty not exceeding \$5000. These civil penalties shall be paid by the financial institution, which is the employer of the mandated reporter, to the party bringing the action. | No mandated reporter who reports a known or suspected incident or abuse can be held civilly or criminally liable.<br><br>Reports of suspected abuse are confidential. Investigators can not tell the victim or suspected abuser who made the report unless the reporter waives confidentiality or by court order.<br><br>When two or more mandated reporters are jointly knowledgeable of suspected abuse, one telephone call/written report may be completed. A supervisor or administrator cannot prevent a staff member from reporting. A mandated reporter cannot hand this responsibility to another staff member. |
| <b>Licensed Board and Care Home Assisted Living (RCFE or ARF)</b> | Long-Term Care Ombudsman at (800) 644-4194 or local law enforcement.   | FAX to Long-Term Care Ombudsman at (916) 376-8914 or mail to: LTC Ombudsman at 3950 Industrial Blvd., Suite. 500, West Sacramento, CA 95691 or to local law enforcement. |   |   |
| <b>Skilled Nursing Facility (medical and psychiatric)</b>         | Long-Term Care Ombudsman at (800) 644-4194 or local law enforcement.   | FAX to Long-Term Care Ombudsman at (916) 376-8914 or mail to: LTC Ombudsman at 3950 Industrial Blvd., Suite. 500, West Sacramento, CA 95691 or to local law enforcement. |   |   |
| <b>Acute Care Hospital (medical or psychiatric)</b>               | California Department of Public Health at (707) 576-6775 or (866) 784-0703 or local law enforcement.   | FAX to California Department of Public Health at (707) 576-2418 or mail to CDPH at 2170 Northpoint Parkway, Santa Rosa CA 95407 or local law enforcement.                |   |   |