

Elder and Dependent Adult Abuse

You are a mandated reporter under California law: If you have assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not you receive compensation.

Also includes, but is not limited to: health practitioners, police officers, fire fighters & paramedics, social workers, faith leaders, home health workers, ILRC staff, Regional Center staff, nutrition services staff, Protection & Advocacy staff. Consult Welfare & Institutions Code 15630(a) for complete list.

An **“elder”** is anyone 65 years of age or older. A **“dependent adult”** is anyone 18-64 years of age who has mental or physical limitations that restrict his/her ability to carry out normal activities or to protect his/her rights.

Who abuses? Ninety percent of abuse of elders and dependent adults is perpetrated by family, usually spouses or adult children. Often the abuser is misusing drugs or alcohol, is financially dependent on the other person, and/or has untreated mental health issues.

If I think my client is being abused or neglected, what do I do?

Call Adult Protective Services (if abuse is taking place in the community) or the Long-term Care Ombudsman (if abuse is taking place in a licensed facility). Then fill out from the abuse report form (available online at www.dss.cahwnet.gov/pdf/SOC341.pdf) and fax it to APS.

What if I am not sure? You don't need to be **sure**. You simply need to **suspect** the abuse. APS will investigate the alleged abuse. They are the **experts**. You can always call APS to consult about a situation. They are happy to listen and to give you advice and recommendations.

Do I have to give my name? Mandated reporters are required to give their name when reporting abuse. However, your name will not be revealed to the victim or the alleged abuser.

Is “self-neglect” a mandated report? Yes, if you believe an elder or dependent adult is significantly neglecting his/her own care, you must report this to APS.

Can a client refuse APS services? Yes, APS remains a voluntary service. APS can only act with consent of the victim unless a crime has been alleged.

Where to Report

Adult Protective Services (800) 451-5155 Ph
(For abuse, neglect or self-neglect (714) 825-3001 Fax
in the community – Orange County)

**911 for
emergency
or crime in
progress**

Long-term Care Ombudsman (800) 300-6222 Ph
(for mistreatment in licensed facilities) 24-Hr State CRISISline:
(800) 231-4024 Ph

CA Aging Information and Referral (800) 510-2020 Ph

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ON ELDER ABUSE AND NEGLECT
UNIVERSITY OF CALIFORNIA, IRVINE

Types of Abuse & Neglect that Require a Mandated Report to APS

Physical Abuse: The use of physical force that may result in bodily injury, physical pain, or impairment. Physical abuse may include such acts of violence as striking (with or without an object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning. Inappropriate use of drugs and physical restraints, force-feeding, and physical punishment are also examples.

Sexual Abuse: Any non-consensual sexual contact of any kind. Sexual contact with any person incapable of giving consent is also considered sexual abuse. It includes: unwanted touching, all types of sexual assault or battery, such as rape, sodomy, coerced nudity, and sexually explicit photographing.

Neglect: The refusal or failure to fulfill any part of a person's obligations or duties to an elder or dependent adult. Neglect may also include failure of a person who has fiduciary responsibilities to provide care (e.g., pay for necessary home care services) or the failure of an in-home service provider to provide necessary care. Neglect typically means the refusal or failure to provide a person with such life necessities as food, water, clothing, shelter, personal hygiene, medicine, comfort, personal safety.

Financial Abuse: The illegal or improper use of an elder or dependent adult's funds, property, or assets. Examples include: cashing a person's checks without authorization or permission; forging a person's signature; misusing or stealing a person's money or possessions; coercing or deceiving a person into signing any document (e.g., contracts or will); and the improper use of legal documents.

Abandonment: The desertion of an elder or dependent adult by anyone having the care or custody of that person under circumstances in which a reasonable person would continue to provide care.

Abduction: The removal from this state of any elder or dependent adult who does not have the capacity to consent to the removal or is a conservatee without the consent of the conservator or the court.

Isolation: Violation of personal rights, such as: false imprisonment and restraint. Preventing delivery of mail, telephone calls, or visiting.

Domestic Violence in Late Life: Violence between spouses, intimate partners, or couples who are dating. Can be physical, emotional, sexual abuse. Can occur in both heterosexual and homosexual couples.

Self-neglect: The behavior of an elder or dependent adult that threatens his/her own health or safety: For example, refusal or failure to provide himself/herself with adequate food, water, clothing, shelter, personal hygiene, medication, and safety precautions. But remember APS is a voluntary service and can only act with the consent of the client. If a mentally competent older or disabled person, who understands the consequences of his/her decisions, makes a decision to engage in acts that threaten his/her health/safety, he/she has the “right to folly.”

Emotional or Psychological Abuse: Emotional abuse is NOT a mandated report, although it is highly recommended that you report any witnessed emotional abuse to APS. It is the infliction of anguish, pain, or distress through verbal or nonverbal acts. Emotional/psychological abuse includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, harassment, or isolating a person from his/her family, friends, or regular activities.