I. AUTHORITY:

State of California, Welfare and Institutions Code, Sections 15630, 15633, 15634, and 15658:

- *"Any mandated reporter, who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting physical abuse, abandonment, abduction, isolation, financial abuse or neglect or reasonably suspects that abuse, shall report the known or suspected instance of abuse by telephone immediately or as soon as practically possible, and by written report sent within two working days…" W&I 15630 (b)*

- *"When two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an elder or a dependent adult for which a report is or is not mandated have occurred, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report." W&I Code 15630 (C)(5)(d)*

- *"Any person who fails to report an instance of elder or dependent adult abuse … is guilty of a misdemeanor… " W&I Code 15630 (b)(1)*

- *"No care custodian, clergy member, health practitioner, or employee of an adult protective service agency or a local law enforcement agency who reports a known or suspected instance of elder or dependent adult abuse shall be civilly or criminally liable for any report required or authorized by this article..." W&I Code 15634*

- "(*b) The identity of any person who reports under this chapter shall be confidential and disclosed only among the following agencies or persons representing an agency:*
  (1) An adult protective services agency.
  (2) A long-term care ombudsperson program.
  (3) A licensing agency.
  (4) A local law enforcement agency.
  (5) The office of the district attorney.
  (6) The office of the public guardian.
  (7) The probate court.
  (8) The bureau.
  (9) The Department of Consumer Affairs, Division of Investigation.
  (10) Counsel representing an adult protective services agency." W&I Code 15633 (b)

- *"(c) The identity of a person who reports under this chapter may also be disclosed under the following circumstances:*
  (1) To the district attorney in a criminal prosecution.
  (2) When a person reporting waives confidentiality.
  (3) By court order." W&I Code 15633 (c)

ITALICIZED TEST IDENTIFIED QUOTATIONS FROM AN AUTHORITY OUTSIDE OCEMS

II. APPLICATION:

This policy defines the mandated process for reporting suspected dependent adult or elder abuse and neglect.

III. DEFINITIONS:

A. **"Elder"** means any person residing in this state, 65 years of age or older. *W&I Code 15610.27*

B. **"Dependent Adult"** means any *person between the ages of* 18 *and 64* years *and who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age. W&I Code 15610.23*

C. ***"Abuse of an elder or a dependent adult"*** *means either of the following:*

(a) "Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering.

(b) "The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering." W&I Code 15610.07 (a)(b)

D. ***"Neglect"*** *means either of the following:*

(1) "The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

(2) "The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise." W&I Code 15610.57

E. **"Adult Protective Services (APS) Registry"** means a county-operated registry for the reporting of suspected dependent adult/elder abuse.

F. **"Mandated Reporters"** include, but are not limited to: Health care practitioners, medical personnel, care providers, social workers, law enforcement officers, senior center staff, and staff of government funded programs that provide services for elder or dependent adults. This includes physicians, nurses, paramedics, EMT-Is, and EMT-IIs.

IV. REPORTING PROCEDURE:

A. Immediately or as soon as possible, a telephone report should be made. Contact the County of Orange Social Services Agency, Adult Protective Services Registry (Orange County Elder Abuse) at (714) 825-3030 or (800) 451-5155 [FAX (714) 825-3001] (24 hours per day). For victims in a long-term care facility, telephone (714) 479-0107 (Long Term Care Ombudsman).

ITALICIZED TEST IDENTIFIED QUOTATIONS FROM AN AUTHORITY OUTSIDE THE ORANGE COUNTY EMS

The telephone report should include:

- Name of person making the report.
- Name and age of the elder or dependent adult.
- Victim's address.
- Present location of the victim.
- Nature and extent of any injury.
- Date of the incident.
- Information that led reporting person to suspect abuse.

B. In an emergency situation, the local police or sheriff department should be contacted immediately.

C. Complete state form SOC 341 (rev 12/06), Report of Suspected Dependent Adult/Elder Abuse (see attachment) at *http://www.dss.cahwnet.gov/Forms/English/SOC341.pdf*

D. After a verbal report of abuse or neglect is made by telephone, the completed state Adult/Elder Abuse Report Form should be mailed or faxed within two working days to:

Social Services Agency / Adult Protective Services
PO Box 22006
Santa Ana, CA 92702-2006
FAX (714) 825-3265 (preferred)
(714) 825-3001 (alternate)

1. The original and first copy are sent to the address above, and the second copy retained by the reporting agency or person.

2. The registry form may also be used for reporting suspicion of abuse situations where there is reasonable concern that a dependent adult or elder is being subjected to abuse, neglect, or exploitation.

3. Additional forms and answers to questions regarding elder and dependent adult abuse or reporting requirements may be obtained by calling the APS Registry at (714) 825-3030 or (800) 451-5155.