



California's Protection & Advocacy System

Reporting Elder and Dependent Adult Abuse: It is YOUR Duty!

December 2010, Pub #7025.01

Do you know an [elder](#) or [dependent adult](#) who may be the victim of [abuse](#) or [neglect](#)? Abuse and neglect includes: assault and battery, sexual assault, inappropriate use of physical or chemical restraint or medication, isolation, and financial abuse.

If the elder or dependent adult lives in the community, you should contact:

- Your [local law enforcement agency](#) (your police department or sheriff's department).

And/Or

- Your county [Adult Protective Services](#) (APS) agency. County APS agencies investigate reports of abuse of elders and dependent adults who live in private homes and hotels, or hospitals and health clinics, when the abuser is not a staff member. To locate your County APS agency, [click here](#) for their APS information.

If the elder or dependent adult lives in a facility, you should contact:

- [Local law enforcement](#)

And/Or

- [**The Long-Term Care Ombudsman**](#). The Ombudsman handles reports of abuse that occur in a nursing home, a board and care home, a residential facility, an assisted living facility, or a long-term care facility. Local Ombudsman Program phone numbers are posted in care facilities and local and state program phone numbers are available at the Department of Aging Web by [clicking here](#).

And

- [**The Licensing and Certification Program of the California Department of Public Health \(DPH\)**](#). DPH Licensing and Certification oversees health facilities such as nursing homes, hospitals, and intermediate care facilities. DPH investigates complaints of abuse, neglect and poor quality of care. The telephone number of the office should be posted in nursing homes and also listed in the "Licensing and Certification," "Nursing Home Residents Rights Fact Sheets" section of the DHS Web site found [here](#).

And

- [**The California Attorney General Bureau of Medi-Cal Fraud and Elder Abuse**](#), which works to protect residents from abuse or neglect in nursing homes and other long-term care facilities. To report elder or dependent adult abuse, contact the Attorney General's toll-free hotline at (800) 722-0432 or visit them at their website [here](#) to submit a complaint.

Are You a Mandated Reporter?

You may be a mandated reporter if you have full or intermittent care of an elder or dependent adult. Other mandated reporters include:

- Care Custodians
- Health Practitioners
- Financial institutions
- County Welfare Departments

- Employees of Law Enforcement Agencies
- Employees of Fire Departments
- Employees of humane societies and animal control agencies
- Employees of environmental health and building code enforcement
- Clergy members
- Any other protective, public, sectarian, mental health, private assistance, or advocacy agency, or person providing health services or social services to elders or dependent adults
- Any Person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult whether they get paid or not

You must report if:

- The victim reports abuse has occurred or has knowledge of abuse.
- You observe the incident.
- When an injury or condition reasonably leads one to suspect that abuse has occurred.

When do you have to report?

The law requires mandated reporters to make a verbal report **immediately or as soon as practical**, followed by a written report (SOC 341) within two (2) working days. To obtain a SOC 341 form, click [here](#).

What happens if you do not make a report as a mandated reporter?

A failure to report is a misdemeanor, punishable with up to six months in county jail and/or a fine up to \$1,000.

However, if the failure to report leads to death or great bodily injury, the fine may be raised to \$5,000.

Can my supervisor or anyone else report for me?

NO! The obligation to report falls on you! That means that **YOU** will be the person directly completing the report and notifying the appropriate investigative agencies. You may notify your supervisor, but he or she **may not** make the report on your behalf as he or she has no direct knowledge of the abuse or neglect that took place.

Laws & Regulations

- [Cal. Welf. & Inst. Code §§ 15630-15632 Elder Abuse and Dependent Adult Abuse Civil Protection Act](#)
- [Cal. Welf. & Inst. Code § 15700 Protective Placements and Custody of Endangered Adults](#)
- [Cal. Welf. & Inst. Code §§ 15703-15705.40 Protective Services](#)
- [Cal. Pen. Code § 368 Crimes Against Elders and Dependent Adults](#)

DEFINITIONS:

“Elder”:

Means any person 65 years of age or older.

“Dependent Adult”:

Means 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, including, but not limited to, persons who have physical or developmental disabilities, or whose physical or mental abilities have diminished because of age.

"Abuse of an elder or a dependent adult":

Means either of the following:

- (1) Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering, [or]
- (2) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

“Neglect of an elder or a dependent adult”:

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.

For example, neglect also includes, but is not limited to, all of the following:

- (1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
- (2) Failure to provide medical care for physical and mental health needs.
- (3) Failure to protect from health and safety hazards.
- (4) Failure to prevent malnutrition or dehydration.
- (5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health. (Also known as “self-neglect”).

We want to hear from you! Please complete the following survey about our publications and let us know how we are doing! [\[Take the Survey\]](#)

For legal assistance call 800-776-5746 or complete a [request for assistance form](#). For all other purposes call 916-504-5800 (Northern CA); 213-213-8000 (Southern CA).

Disability Rights California is funded by a variety of sources, for a complete list of funders, go to <http://www.disabilityrightsca.org/Documents/ListofGrantsAndContracts.html>.