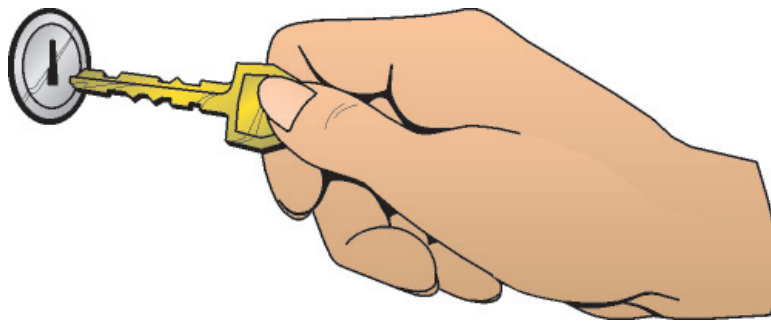


ELDER ABUSE

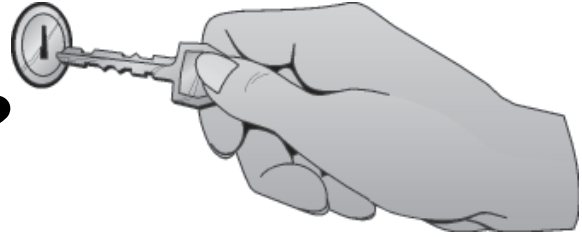
is a crime!

**THE GATEKEEPER
PROGRAM
for Mandated Reporters**



**Prepared by:
The C.A.R.E. Program
A Division of Adult Protective Services**

WHAT IS GATEKEEPER?



Each year our elderly population grows, with people over 75 making up the fastest growing population segments. While many of these older adults are healthy and active, some are not so fortunate.

Older adults living alone, particularly those over 85, are at great risk for premature institutionalization. When they become ill or unable to function independently, they can grow socially isolated and unable to ask for needed help.

C.A.R.E.'s GATEKEEPER PROGRAM is designed so that vulnerable elders in need of help can be connected with service providers who are trained and experienced in providing help in the areas needed.

The purpose of the GATEKEEPER PROGRAM is to provide community training to people who experience close regular contact with seniors, helping them recognize signs of elder abuse and neglect, and informing them of their legal mandate to report such abuse. The GATEKEEPER PROGRAM matches needs and resources in the community to allow local senior citizens to maintain their independence and their dignity with a minimum of helpful intervention. Often just a small bit of assistance can mean a big difference in the life of an aging adult who either lives alone, lives with an aging spouse who also needs help, or lives with an overburdened caregiver who needs support.

The GATEKEEPER PROGRAM will train banking professionals, medical workers, home health aides, clergy, code enforcement officers, animal control officers, mobile home park and apartment managers, law enforcement, and senior service providers and volunteers. These trainings are customized to be of utmost benefit to the trainees.

Deterioration to the point of crisis usually takes place over a period of time. There are often a number of people who came into contact with a senior in crisis who could have intervened if they had recognized the signs of danger and knew how to report their concerns. Getting involved in building a stronger community care net that can save lives takes very little time or effort, but the rewards are tremendous. Working together we can make a difference!

TO SCHEDULE A GATEKEEPER TRAINING CONTACT A C.A.R.E. COORDINATOR:

District 1	District 2	District 3	District 4	District 5
Lake Elsinore 951-245-3322	Riverside 951-955-2653	Hemet 951-791-3568	Indio 760-863-7661	Moreno Valley 951-486-6828

800-476-7506

DEFINITIONS



ELDER

An elder is any person 65 years of age or older.

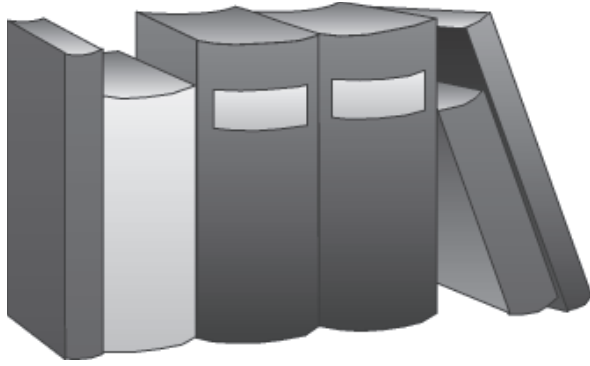
(PC 368 (11) (h)
WIC 15610.27

DEPENDENT ADULT

Any person between the ages of 18 and 64 who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or her rights.

(PC 368 (11)(h) and WIC 15610.23)

18 - 64



TYPES OF ABUSE

Physical
(WIC§15610.63)

Financial
(WIC§ 15610.30)

Abduction
(WIC§15610.06)

Abandonment
(WIC§15610.17)

Isolation
(WIC§ 15610.43)

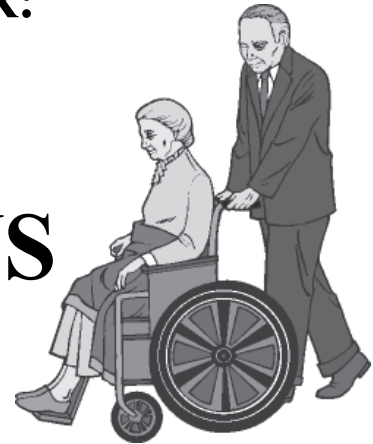
Mental Suffering
(WIC§15610.53)

Neglect / Self-Neglect
(WIC§ 15610.57)



SIGNS TO WATCH FOR:

PHYSICAL LIMITATIONS



If you observe signs of ...

- Ongoing severe physical difficulty or illness
- Repeat illness or hospitalization
- Unexplained or untreated wounds, cuts, abrasions, burns, bruises, welts, broken bones
- Unexplained or hidden injuries
- Use of restraints (physical or chemical)
- Expressed difficulties with activities of daily living
- Marked weight loss or gain
- Marked weakness and dependency
- Marked changes in ability to see or read
- Marked changes in ability to hear and to speak



SIGNS TO WATCH FOR:

COMMUNICATION AND BEHAVIOR

If you observe signs of ...

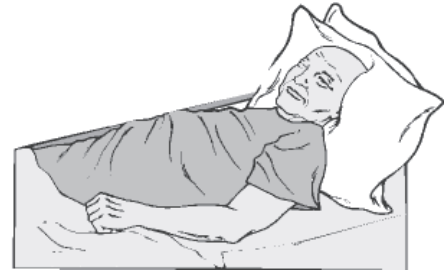
- Confusion, disorientation, delusional thinking
- Forgetfulness (or apparent attempt to cover up memory loss) that impairs functioning
- Excessive reminiscing or repetitive questioning
- Anger, hostility, and/or withdrawal
- Slurred or rambling speech, difficulty understanding speech
- Difficulty understanding written information (when could read and understand before)
- Difficulty solving problems
- Abrupt changes in communication style or personality





SIGNS TO WATCH FOR:

NEGLECT



If you observe signs of ...

- Confusion – sudden onset
- Bed sores
- Unsanitary environment
- Malnutrition / dehydration
- Recurring infection
- Smells of urine and/or feces
- Unkempt appearance
- Poor personal hygiene and/or inappropriate dress
- Untreated medical condition
- Unable to manage medication
- Absent or outdated eyeglasses, hearing aids, or prostheses



SIGNS TO WATCH FOR:

SEXUAL ABUSE



If you observe signs of ...

- Bruises, lacerations, bleeding or welts in breast, vaginal or rectal areas
- Infections around the genitalia
- Venereal disease
- Pregnancy (dependent adults)
- Regressive or aggressive behavior
- Mistrust of others
- Expressed fear of caregiver
- Phobic reaction to being examined, changed or bathed
- Nightmares, sleep disturbance



SIGNS TO WATCH FOR:

EMOTIONAL ABUSE



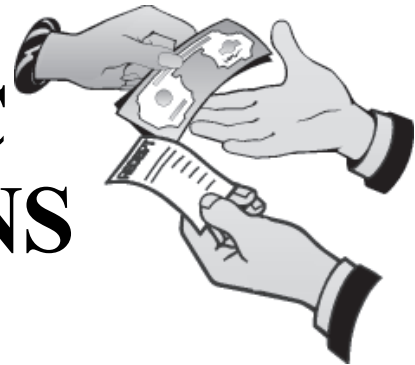
If you observe signs of ...

- Fear, agitation, hesitancy
- Depression, withdrawal
- Isolation
- Sudden behavioral changes
- Unusual or inappropriate behavior changes
- Unwillingness to communicate
- Disorientation or memory loss
- Problems with decision making
- Excessive dependency on caregiver



SIGNS TO WATCH FOR:

ECONOMIC CONDITIONS



If you observe signs of ...

- Inability to balance checkbook or make change
- Increased/unusual withdrawals from liquid assets
- New mortgage or second mortgage
- Missing money or personal belongings and/or unjustified selling of property
- Unpaid bills when adequate funds; disparity between assets and living conditions
- Use of POA or conservatorship to control assets
- Loss of job or loss of supporting spouse
- Inability to afford basic goods and services such as transportation, utilities, medicine or groceries
- Reckless spending or extreme reluctance to pay for anything; basic needs not being met
- Suspicious involvement of another person, especially a “new best friend;” extraordinary interest in assets by family or friends

ELDER & DEPENDENT ADULT FINANCIAL ABUSE



CHECKLIST FOR WHETHER A CRIME HAS OCCURRED:

- { } Was the elder adult lacking competence or capacity when the transaction occurred?
Did the suspect know the client's condition?
- { } Assuming the elder adult was competent, did he/she fail to understand the transaction?
- { } Did threats, force, duress or undue influence cause the elder to transfer property or to give or allow use of money?
- { } Were assets taken or used without permission by someone the elder adult entrusted, expecting that the person would not use the assets for his/her own purposes?
- { } Did some misrepresentation or promise without intent to perform cause the elder or dependent adult to transfer money or property?
- { } Is there evidence of other crimes, such as forgery, bad checks, extortion, physical abuse and/or neglect?
- { } If there is a crime, are there other suspects: family members or friends who assisted, notaries, real estate agents, doctors, lawyers?

ACTION CHECKLIST FOR WHEN A CRIME HAS OCCURRED:

- { } Take steps to preserve assets, or refer to APS, family member, or friend who can take steps to preserve assets. Document your efforts.
- { } Refer to appropriate other agencies for investigation and prosecution:
 1. Abuse in long term care facilities report to:
Long Term Care Ombudsperson - 800-231-4024
 2. All other types of abuse report to:
Adult Protective Services - 800-491-7123 (24 hrs.)
Local Law Enforcement Agency
- { } Gather evidence, if appropriate to your role.
- { } Take steps during investigation to regain assets if possible.

WHO MUST REPORT?

Anyone
who provides
Health or Social Services
to elderly or dependent adults
(whether or not they are paid)
is a
MANDATED REPORTER



As of January 1, 2007 credit unions and financial institutions are mandated reporters of financial abuse.



Welfare & Institutions Code 15630 (a)

Any mandated reporter, who in his/her professional capacity, or within the scope of his/her employment, has observed or has knowledge of an incident that reasonably appears to be abuse, abandonment, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he/she has experienced behavior constituting abuse, shall report the known or suspected abuse by telephone immediately.

REPORTERS



INDIVIDUAL REPORTER RESPONSIBILITIES

- No supervisor or administrator shall impede or inhibit the reporting duties;
- No person making the report shall be subject to sanction for making the report;
- Internal procedures may be established to facilitate reporting, ensure confidentiality and apprise supervisors and administrators of reports, provided they are consistent with the law.

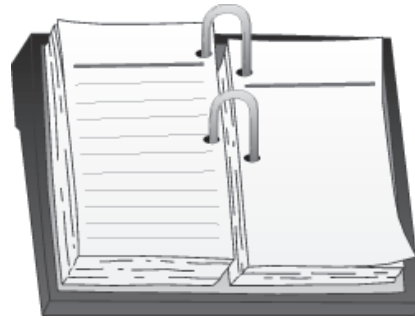
MULTIPLE REPORTERS



- When 2 or more mandated reporters are present;
- Jointly have knowledge or suspicion;
- They can agree that the report will be made by a selected member

WHEN DO YOU REPORT?

If you observe,
have knowledge of,
are told about,
or reasonably suspect abuse,
YOU MUST REPORT IT!



HOW DO YOU REPORT?



Call it in immediately:
APS: 800-491-7123 (24 hrs.)
(call after hours only in emergency)
or
Ombudsman: 800-231-4024

AND



Send a written report within 2 days to:
APS Central Intake
10769 Hole Avenue, Suite 200
Riverside, CA 92505
Fax: 951-358-3969/3979



In an emergency or if a crime is in progress **CALL 911...then call APS**

WHO DO YOU REPORT TO?



When the abuse occurs in the community (i.e. a private home, hotel, senior center) it is reported to Adult Protective Services:

800-491-7123 (24 hrs.)

When the abuse occurs in an institution (i.e. Convalescent Home or Board and Care) it is reported to the Long Term Care Ombudsman for investigation and advocacy:



800-231-4024 (24 hrs.)

IN WHICH SETTINGS DOES APS INVESTIGATE?



APS investigates all allegations of abuse to elders and dependent adults that occur in the following settings:

- ✓ Elder or dependent adult's own home
- ✓ Home of the elder or dependent adult's relative
- ✓ Private residence that is exempt from licensure (includes Adult Foster Care and IRC "family home")

IN WHICH SETTINGS DOES APS INVESTIGATE?



APS investigates all allegations of abuse to elders and dependent adults that occur in the following settings:

- ✓ Acute care hospitals
- ✓ Group living arrangement that is exempt from licensure (i.e. hotel, homeless shelter, recovery house, HUD housing, church affiliated facility that depends on prayer or spiritual means for healing)
- ✓ Unlicensed facilities operating in violation of the law

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THE SOCIAL WORKER WILL:

- ❖ Investigate protective issues
- ❖ Assess victim's needs and concerns
- ❖ Analyze problems and strengths
- ❖ Establish a plan to alleviate problem
- ❖ Gain client's acceptance of plan
- ❖ Counsel to alleviate problem
- ❖ Link with community services
- ❖ Monitor and follow up
- ❖ Reassess



APS CAN NOT

Force clients to
accept services



Force someone
into placement



Share the results of their
investigation or report



WHEN REPORTING BE READY TO GIVE:

**F
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- Identifying info about victim
- How to locate victim



**S
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C**

- Victim's impairment
- Identifying info about you
- Where and when abuse occurred
- Your observations/beliefs about the abuse
- The victim's statements about the abuse
- Known collateral contacts
- Identifying information about the Suspected abuser

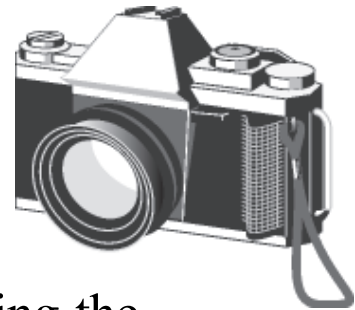
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LEGISLATIVE PROTECTION

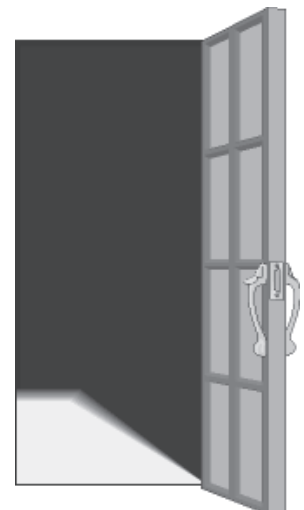
No mandated reporter reporting a known or suspected instance of elder or dependent adult abuse shall be civilly or criminally liable unless it can be proven that a false report was made and that the person knew the report was false.



No person required to make a report, or any person taking photographs at his or her discretion, shall incur civil or criminal liability for taking photographs of a suspected victim of elder or dependent adult abuse, or with disseminating the photographs with the reports required by this article. (No immunity from liability with respect to any other use of the photographs.)



Any mandated reporter who, pursuant to a request from an APS agency or local law enforcement agency, provides the requesting agency with access to the victim of known or suspected elder or dependent adult abuse shall not incur civil or criminal liability as a result of that access.



FAILURE TO REPORT



Can result in:

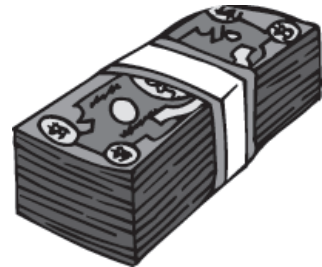
Up to six months in County jail

OR

\$1,000 fine

OR

Both!



If abuse results in DEATH OR
GREAT BODILY HARM...

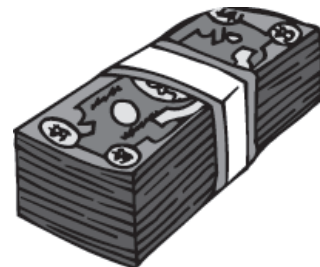
Up to one year in County jail

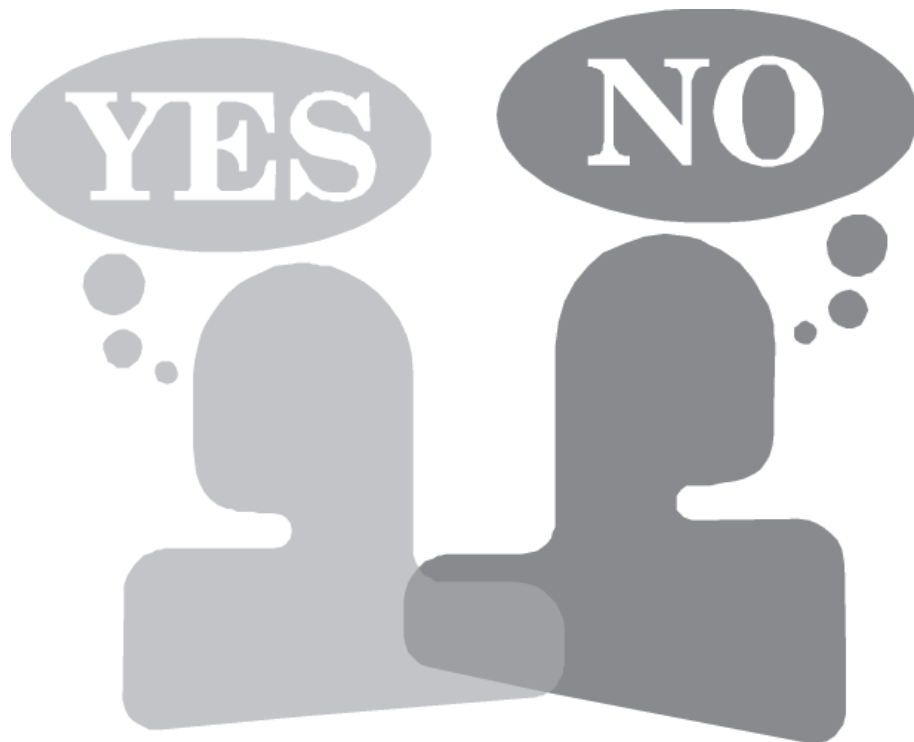
OR

\$5,000 fine

OR

Both!





**VICTIMS HAVE
THE RIGHT
TO REFUSE
APS SERVICES**



**Partner with APS.
Your report will
make a
difference!**



LEGAL PROTECTION FOR ELDERS

California State Penal Code 368 (a-k)

(a) The Legislature finds and declares that crimes against elders and dependent adults are deserving of special consideration and protection, not unlike the special protections provided for minor children, because elders and dependent adults may be confused, on various medications, mentally or physically impaired, or incompetent, and therefore less able to protect themselves, to understand or report criminal conduct, or to testify in court proceedings on their own behalf.

(b) (1) Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed six thousand dollars (\$6,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years.

(2) If in the commission of an offense described in paragraph (1), the victim suffers great bodily injury, as defined in Section 12022.7, the defendant shall receive an additional term in the state prison as follows:

(A) Three years if the victim is under 70 years of age.

(B) Five years if the victim is 70 years of age or older.

(3) If in the commission of an offense described in paragraph (1), the defendant proximately causes the death of the victim, the defendant shall receive an additional term in the state prison as follows:

(A) Five years if the victim is under 70 years of age.

(B) Seven years if the victim is 70 years of age or older.

(c) Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor. A second or subsequent violation of this subdivision is punishable by a fine not to exceed two thousand dollars (\$2,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

(d) Any person who is not a caretaker who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of an elder or a dependent adult, and who knows or reasonably should know that the victim is an elder or a dependent adult, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding nine hundred fifty dollars (\$950); and by a fine not exceeding one thousand dollars

(\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding nine hundred fifty dollars (\$950).

(e) Any caretaker of an elder or a dependent adult who violates any provision of law proscribing theft, embezzlement, forgery, or fraud, or who violates Section 530.5 proscribing identity theft, with respect to the property or personal identifying information of that elder or dependent adult, is punishable by imprisonment in a county jail not exceeding one year, or in the state prison for two, three, or four years when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value exceeding nine hundred fifty dollars (\$950), and by a fine not exceeding one thousand dollars (\$1,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, when the moneys, labor, goods, services, or real or personal property taken or obtained is of a value not exceeding nine hundred fifty dollars (\$950).

(f) Any person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment in the state prison for two, three, or four years.

(g) As used in this section, "elder" means any person who is 65 years of age or older.

(h) As used in this section, "dependent adult" means any person who is between the ages of 18 and 64, who has physical or mental limitations which 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. "Dependent adult" includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code.

(i) As used in this section, "caretaker" means any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or a dependent adult.

(j) Nothing in this section shall preclude prosecution under both this section and Section 187 or 12022.7 or any other provision of law. However, a person shall not receive an additional term of imprisonment under both paragraphs (2) and (3) of subdivision (b) for any single offense, nor shall a person receive an additional term of imprisonment under both Section 12022.7 and paragraph (2) or (3) of subdivision (b) for any single offense.

(k) In any case in which a person is convicted of violating these provisions, the court may require him or her to receive appropriate counseling as a condition of probation. Any defendant ordered to be placed in a counseling program shall be responsible for paying the expense of his or her participation in the counseling program as determined by the court. The court shall take into consideration the ability of the defendant to pay, and no defendant shall be denied probation because of his or her inability to pay.

(Revised by Legislature 2010)



is a crime!

C.A.R.E. PROGRAM

A Division of Adult Protective Services

WHAT IS THE C.A.R.E. PROGRAM? The C.A.R.E. Program addresses **ELDER ABUSE** through education, training, and the coordination of a multidisciplinary approach to elder abuse cases. The C.A.R.E. Program addresses **ELDER CONSUMER FRAUD** through advocacy.

WHO DOES THE C.A.R.E. PROGRAM SERVE? The C.A.R.E. Program serves the elder population (65+) and dependent adults (ages 18-64) of Riverside County. Educational services are provided to all segments of the Riverside County population. All services are free of charge.

WHAT ARE THE COMPONENTS OF THE PROGRAM?

C.A.R.E. Team: The C.A.R.E. Team's purpose is to improve coordination and cooperation among human service providers and public safety organizations in combating elder and dependent adult abuse. C.A.R.E. Teams are mandated by SB 2199, and their composition and rules of confidentiality are set by the Welfare and Institutions Code. The three regional Teams, made up of 41 agencies, meet monthly in east, west and mid-county. Members include all law enforcement jurisdictions, District Attorney, APS, Mental Health, FBI, Public Health, Public Guardian, Social Security, Office on Aging, Community Care Licensing, Ombudsman, Inland Regional Center, and other agencies involved in the treatment and prevention of elder abuse in Riverside County. Team members share best practices to combat elder abuse and work together toward protection of the client and prosecution of the offender under Penal Code 368, California's elder abuse law.

Consumer Fraud Advocacy: The C.A.R.E. Program provides support and assistance to elder and dependent adult victims of consumer fraud by working with the State's regulatory agencies, law enforcement, and the court system. C.A.R.E. Program Coordinators may meet with clients, help sort through documents, contact resources, help write letters and fill out forms, and provide general support through stressful times. The goal of this advocacy is to guard or regain lost assets, preserve clients' dignity, protect their privacy, and provide support and assistance throughout the process.

Gatekeeper Trainings: The purpose of the Gatekeeper and Mandated Reporter Program is to build a stronger community care net by providing community trainings to people who experience close regular contact with seniors, helping them recognize and report signs of elder abuse or of another crisis that will threaten their independence. The Program matches needs and resources in the community to allow local senior citizens to maintain their independence and dignity with a minimum amount of helpful intervention. The Gatekeeper/Mandated Reporter Program trains banking professionals, hospital and home health providers, code enforcement and animal control officers, clergy, mobile home park and apartment managers, law enforcement, senior service providers, and community volunteers. These trainings are customized to be of utmost benefit to the trainees and include a training booklet.

Community Education: Anti-fraud seminars are conducted in Riverside County communities in partnership with law enforcement, FBI, investment experts, and attorneys to teach seniors how to recognize, report and prevent fraud and abuse. The subjects covered at these sessions include telemarketing fraud, caregiver, contractor, car repair and sales, investment, and other types of fraud by businesses, including identity theft. A special information and resource booklet is provided to each attendee. C.A.R.E. provides elder abuse presentations to seniors in mobile home parks, senior centers, care facilities and anywhere else that seniors congregate.

**For more information contact:
C.A.R.E. Program: 800-476-7506**

Curtailing Abuse Related to the Elderly