7.1 Elder Abuse Red Flags (Spanish and Vietnamese versions in Appendix)

7.2 Adult Protective Services (APS)

7.3 Financial Exploitation in Assisted Living

7.4 Financial Exploitation in Nursing Homes

7.5 Mandated Reporter

7.6 Protect Yourself Against Scams

7.7 Protect Yourself Against Abuse (Spanish and Vietnamese versions in Appendix)

7.8 Elder Abuse Report Form (SOC341)

7.9 Tips to Avoid Financial Exploitation
Red Flags of Abuse

Does a senior or adult with a disability that you know display any warning signs of mistreatment?

**Neglect**
- Lack of basic hygiene
- Lack of adequate food
- Lack of medical aids (glasses, walker, teeth, hearing aid, medications)
- Lack of clean appropriate clothing
- Person with dementia left unsupervised
- Bed bound person left without care
- Home cluttered, filthy, in disrepair, or having fire & safety hazards
- Home without adequate facilities (stove, refrigerator, heat, cooling, working plumbing, and electricity)
- Untreated pressure “bed” sores

**Financial Abuse**
- Lack of amenities victim could afford
- Elder “voluntarily” giving inappropriate financial reimbursement for needed care and companionship
- Caregiver has control of elder’s money but is failing to provide for elder’s needs
- Caretaker “living off” elder
- Elder has signed property transfers (Power of Attorney, new will, etc.) when unable to comprehend the transaction

**Psychological Abuse**
- Caregiver isolates elder (doesn’t let anyone into the home or speak to the elder)
- Caregiver is verbally aggressive or demeaning, controlling, overly concerned about spending money, or uncaring
Physical Abuse

- Inadequately explained fractures, bruises, welts, cuts, sores or burns

Reporting in Orange County—Abuse of Elders (age 65+) and Vulnerable Adults:

If you suspect abuse occurring in the community, call Adult Protective Services (APS) to make a confidential report or to discuss making a report: **1-800-451-5155**

If you suspect abuse occurring in a Residential Care Facility, call the Council on Aging-OC, Long-Term Care Ombudsman: **1-800-300-6222**

You can also call local Law Enforcement if someone’s safety is at risk and/or you suspect criminal conduct.

Reporting Suspected Elder Abuse Outside of Orange County:

If you suspect elder abuse, neglect, or exploitation, please call the national Eldercare Locator, a public service of the U.S. Administration on Aging at **(1-800-677-1116)**

In case of emergency, call your local police station or **911**.

Resources

- Orange County Office on Aging Information and Referrals: (800) 510-2020
- CA State Long Term Care Ombudsman CRISISline: (800) 231-4024
- O.C. Mental Health Crisis Hotline: (714) 834-6900
- CA State Bar Lawyer Referral Service: (866) 442-2529
- CA Office of Victim Services: (877) 433-9069

Send an email or visit us online for more resources! [www.centeronelderabuse.org](http://www.centeronelderabuse.org)

The Center is grateful to its generous supporters: the Archstone Foundation, Kaiser Permanente Foundation, the National Institute of Justice, the National Institute on Aging, The SCAN Foundation, UniHealth Foundation, and individual donors. Their funding is changing the way elder abuse is addressed throughout California and the nation.
ADULT PROTECTIVE SERVICES
ORANGE COUNTY SOCIAL SERVICES AGENCY
PROTECTING ORANGE COUNTY ELDER AND DEPENDENT ADULTS

Adult Protective Services (APS) is a program designed to prevent and remedy the abuse, neglect, or exploitation of elders and dependent adults who have been harmed or are at risk of harm.

**Elder:** Any person age 65 or greater.

**Dependent Adult:** Any person between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her abilities to carry out normal activities or to protect his or her rights or whose physical or mental abilities have diminished because of age.

**FUNCTIONS OF APS:**
- Investigate suspected abuse of elders and dependent adults
- Establish linkages with local community agencies
- Provide crisis intervention

**WHAT APS MAY NOT DO:**
- Remove a client from their home or shelter against their will
- Force a client to accept services

*The APS program is not intended to interfere with the lifestyle choices of elders or dependent adults, or to protect those individuals from all the consequences of such choices.*

*If you, or someone you know is the victim of abuse, please call:*

*(800) 451-5155*

APS EMERGENCY RESPONSE IS AVAILABLE 24 HOURS A DAY
TYPES OF ABUSE:

**Physical Abuse:** Assault/battery (beating, slapping, pushing, kicking), sexual exploitation, restrictions on freedom of movement, overmedication, withholding food or water.

**Financial Abuse:** The illegal or improper exploitation of funds or other resources, including theft, extortion, and fraud.

**Psychological Abuse:** Verbal harassment, threats, or other intimidating behavior that results in fear, agitation, confusion, severe depression or other forms of serious emotional distress.

**Neglect:** Failure of a caregiver to provide basic necessities such as adequate food or water, shelter, medical treatment or personal care.

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

**Abduction:** The removal from this state and the restraint from returning to this state of any elder or dependent adult who does not have the capacity to consent to this removal.

**Isolation:** Actions which prevent an elder or dependent adult from receiving mail or telephone calls. Falsely telling callers or prospective visitors that the elder or dependent adult does not want contact, if the purpose is to prevent contact with family, friends, or concerned persons. Isolation includes false imprisonment and physical restraints, which prevent an elder or dependent adult from meeting with others.

**Self-Neglect:** An elder or dependent adult is unable to manage his/her personal needs in the areas of health care, food, shelter or finances, or cannot handle the basic activities of daily living.
What is Financial Exploitation?

Financial exploitation happens when someone illegally or improperly uses your money or belongings for their personal use. Financial exploitation is the fastest growing form of elder abuse. It is a crime and is often not reported. Learn how to protect yourself. The four steps below will help you prevent, detect and report financial exploitation.

1. **KNOW Your Rights**
   
   There are no federal regulations for assisted living facilities (also known as board and care or residential care facilities), and requirements are different in each state. All states require facilities to protect residents from abuse, neglect and exploitation. For more information about your state’s assisted living regulations speak with the facility administrator or contact your local ombudsman program or state licensing and certification agency (contact information below).

2. **PROTECT Your Financial Information**
   
   • If you need help managing your finances ask someone you trust to act as your agent (for a power of attorney), use a daily money manager or a representative payee for Social Security benefits.
   • See an Elder Law attorney if you need legal help protecting your money (e.g. estate planning).
   • Receive your benefits (e.g. pension checks) by direct deposit.
   • Protect your personal information. Do not give out personal information like your Social Security or bank account numbers unless you contacted the person asking for that information.
   • If you do not understand a document, seek help before signing.
   • To reduce telemarketing calls, sign up on the National Do Not Call Registry (www.donotcall.gov or 1-888-382-1222).
   • Tear up or shred financial documents (e.g. receipts, statements) before throwing them away.

3. **REVIEW Your Financial Information**
   
   It is important to check your finances and benefits often and look for warning signs of financial exploitation. Some common warning signs include:
   • The person helping you does not do what you ask with your money (e.g. purchase items for you, show you your bank statements, pay for your care and services).
   • The facility gives you a discharge notice due to non-payment.
   • You notice unfamiliar charges to your credit cards or receive statements for credit cards or accounts you did not open.
   • A caregiver asks for, demands or takes money or gifts.

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1 Links to assisted living (and nursing home) regulations for each state is available on the NH Regs Plus website: http://www.hpm.umn.edu/nhregsplus/NHRegs_by_State/By%20State%20Main.html
4. **REPORT Any Suspicion of Financial Abuse**

Facilities are required to protect residents from and investigate reports of abuse. Financial exploitation is a crime. There is information available and agencies responsible for investigating reports of financial exploitation. If you suspect financial exploitation there are several things you can do:

- Share your concerns with the **facility administrator**, **social worker** or another **staff person**.
- Contact your local **Long-Term Care Ombudsman Program**. Ombudsmen are advocates for residents in long-term care facilities and are trained to resolve complaints. For additional information about the ombudsman program in your state and contact information, visit [www.ltcombudsman.org/ombudsman](http://www.ltcombudsman.org/ombudsman). Contact information for your local ombudsman program should also be posted in your facility.
- Contact your **state licensing and certification agency**. Each state has an agency responsible for the licensing, certification and regulation of long-term care facilities and investigations of complaints. To locate your state licensing and certification agency visit [www.ltcombudsman.org/ombudsman](http://www.ltcombudsman.org/ombudsman).
- Contact **Adult Protective Services (APS)**. APS investigates reports of abuse, neglect and exploitation of elders and, in many states, individuals with disabilities. Every state has APS services, but the services vary by state. To locate APS services in your area, visit [www.napsa.now.org/get-help/how-aps-helps](http://www.napsa.now.org/get-help/how-aps-helps).
- Financial exploitation is a crime. Contact your **local law enforcement agency**.
- For additional information regarding elder abuse, neglect or exploitation visit the **National Center on Elder Abuse (NCEA)** website at [www.ncea.aoa.gov](http://www.ncea.aoa.gov) or call **1-855-500-3537**.

To locate resources in your state you can contact **Eldercare Locator**. Eldercare Locator is a national public service to help older adults and caregivers connect with local aging and disability services including the Long-Term Care Ombudsman Program, Adult Protective Services, your state licensing and certification agency and legal assistance. You can reach the Eldercare Locator by calling **1-800-677-1116** or visiting [www.eldercare.gov](http://www.eldercare.gov).

This fact sheet was completed by The National Consumer Voice for Quality Long-Term Care for the National Center on Elder Abuse (Grant Number 90-AB0002) and is supported in part by a grant from the Administration on Aging, U.S. Department of Health and Human Services (DHHS). Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging or DHHS policy. NCEA: [www.ncea.aoa.gov](http://www.ncea.aoa.gov).

**Fact Sheet is available in English, Spanish and Simplified Chinese.**
What is Financial Exploitation?

Financial exploitation happens when someone illegally or improperly uses your money or belongings for their personal use. Financial exploitation is the fastest growing form of elder abuse. It is a crime and is often not reported. Learn how to protect yourself. The four steps below will help you prevent, detect and report financial exploitation.

1. **KNOW Your Rights**

   Federal nursing home regulations provide the following resident rights and facility requirements (state nursing home regulations may provide additional protections):²

   **Residents (or the residents’ legal representative) have the right to:**
   - Access all records pertaining to himself or herself within 24 hours (excluding weekends and holidays).
   - Manage his or her financial affairs.
   - Be fully informed of available services and charges for each service.
   - To file a complaint without fear of retaliation.

   **The facility is required to:**
   - Protect personal funds residents choose to deposit with the facility and place resident personal funds greater than $50 into an interest bearing account.
   - Maintain a full and separate accounting of each resident’s personal funds.
   - Make individual financial records available through quarterly statements to the resident or resident’s legal representative.
   - Not charge a resident for services or items paid for by Medicare or Medicaid.

2. **PLAN How to Handle Your Finances**

   - If you deposit your personal funds with the facility, review your financial records at least quarterly.
   - Ask someone you trust to act as your agent (for a power of attorney) or representative payee for Social Security benefits.
   - Receive your benefits (e.g. pension check) by direct deposit.
   - Residents receiving Medicaid are entitled to a monthly Personal Needs Allowance (PNA). If you do not know about your PNA ask the facility staff or the individual assisting you with your finances.
   - Tear up or shred financial documents (e.g. receipts, statements) before throwing them away.
   - Protect your personal information. Do not give out personal information like your Social Security or bank account numbers unless you contacted the person asking for that information.

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1 For more fact sheets and additional resources regarding residents’ rights and advocating for quality long-term care visit the National Consumer Voice for Quality Long-Term Care (Consumer Voice) website www.theconsumervoice.org.

2 42 CFR 483.10 Resident Rights
http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=e5d3af40a300a1dbbea73a7392115694&rgn=div8&view=text&node=42:5.0.1.2.2.7.3&idno=42.
3. **REVIEW** Your Financial Information

It is important to check your finances and benefits often and look for warning signs of financial exploitation. Some common warning signs include:

- The person helping you does not do what you ask with your money (e.g., purchase items for you, show you your bank statements, pay for your care and services).
- The facility gives you a discharge notice due to non-payment.
- You notice unfamiliar charges to your credit cards or receive statements for credit cards or accounts you did not open.
- A caregiver asks for, demands or takes money or gifts.

4. **REPORT** Any Suspicion of Financial Abuse

Facilities are required to protect residents from and investigate reports of abuse. Financial exploitation is a crime. There is information available and agencies responsible for investigating reports of financial exploitation. If you suspect financial exploitation there are several things you can do:

- Share your concerns with the facility administrator, social worker or another staff person.
- Contact your local Long-Term Care Ombudsman Program. Ombudsmen are advocates for residents in long-term care facilities and are trained to resolve complaints. For additional information about the ombudsman program in your state and contact information, visit [www.ltcombudsman.org/ombudsman](http://www.ltcombudsman.org/ombudsman). Contact information for your local ombudsman program should also be posted in your facility.
- Contact your state licensing and certification agency. Each state has an agency responsible for the licensing, certification and regulation of long-term care facilities and investigations of complaints. To locate your state licensing and certification agency visit [www.ltcombudsman.org/ombudsman](http://www.ltcombudsman.org/ombudsman).
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Fact Sheet is available in English, Spanish and Simplified Chinese.
You Must Report Suspected Elder and Dependent Adult Abuse

People who serve elders or dependent adults in any capacity are required to report suspected abuse under the Welfare and Institution Code, section 15630

**When & How to Report:**
For abuse occurring in the community call APS - *Adult Protective Services: 800-451-5155*; Fax: 714-704-6161

For abuse occurring in a Long-Term Care Facility call the *Council on Aging-Orange County, Ombudsman Program:* 800-300-6222, Fax: 714-479-0234

Whether you are a victim or suspect the abuse of someone you know, you are not alone when seeking help!
PROTECT YOURSELF FROM SCAMS!

There are many scams out there that can ensnare even savvy consumers. Many are designed specifically to target seniors. Scammers are professional liars and can be very convincing. They may contact you through the mail, email, social media, on-line dating sites, on the phone, or even in public. This guide will help you learn to recognize common warning signs of scams and simple steps that you can take to protect yourself.

IS IT A SCAM?

1. Is the sales person using high pressure sales tactics? Scams often say things like, “Act Now!”; “Time is running out!”; “This is a onetime offer!”

2. Are you being asked to pay upfront fees? Lottery and sweepstakes scams often employ this tactic. If you really won something the fees can be taken out of your winnings.

3. Are you being told that you won a contest that you didn’t enter? Lottery and sweepstakes scams almost always start this way. You can’t win a contest that you didn’t enter.

4. Have you been scammed in the past? Often scam victims have their personal contact information sold to other con artists. You may get unsolicited calls from people promising to get your money back or provide other remedies or offers. These ‘offers’ can be scams too. Beware!

5. Did you receive unsolicited mail, emails, or phone calls for services that you were not seeking? Research the companies that you want to employ. Many scams begin with someone knocking on your door offering services, or sending out promotional materials. This often happens in the case of home repair scams.

6. Are you being contacted by the police over the phone? Verify that they are who they say they are. Some scams begin with a person pretending to be a police officer who tells you that they are concerned that you have been a victim of a crime. They then proceed to solicit your personal information. In truth, the police will contact you in person if they have questions for you or believe that you have been a victim of a crime.

HOW TO PROTECT YOURSELF.

1. Sign up for the Do Not Call Registry at https://www.donotcall.gov

2. When no longer needed, shred junk mail, old bills, bank statements and any other documents that have personal identifying information.

3. Don’t give out personal information over the phone unless you originated the call and you know with whom you are talking. Particularly safeguard your social security number.

4. It is ok to be rude. If a sales person calls you or comes to your door who does not seem to be taking no for an answer, it is ok to terminate the conversation. Hang up the phone or close the door. You don’t have to let yourself be pressured into anything.

5. Never sign something that you don’t understand. Have a trusted and unbiased professional assist you when enter contracts or signing legal documents.

6. If you hire someone for personal assistance services, in home care services, etc. ensure that they have been properly screened with criminal background checks completed.

7. Learn about scams and stay informed
   > Sign up for AARP’s Fraud Watch: https://action.aarp.org/site/SPPageNavigator/FWN_Registration_Page.html
   > Check out AARP’s interactive national fraud map: http://action.aarp.org/site/PageNavigator/FraudMap.html
   > Consumer Financial Protection Bureau offers information and tools for older Americans: http://www.consumerfinance.gov/older-americans
   > The Financial Fraud Enforcement Task Force offers resources and reports to help protect yourself against common types of frauds and scams: http://www.stopfraud.gov/protect.html
   > Stay alert to common frauds and scams by checking consumer protection sites such as www.Fraud.org

External Web Site Policy and FBI Common Fraud Schemes: http://www.fbi.gov/scams-safety/fraud/fraud
Protect Yourself From Abuse, Neglect and Exploitation!

Unfortunately, it is estimated that millions of U.S. elders, from all walks of life, face abuse and neglect every year. Anyone can be victimized. However, there are things you can do to help protect yourself from abuse and neglect...

**PLAN!**  
Talk with family members, friends, and professionals that you trust and plan for your future. Consider doing the following:

- Have your income (e.g. retirement, Social Security, SSI, disability income) directly deposited into your checking account. Contact your bank or go to [www.godirect.org](http://www.godirect.org) for help.
- If managing your daily finances becomes difficult, consider utilizing a daily money manager. Only allow someone you trust to manage your finances. Visit [www.aadmm.com](http://www.aadmm.com) or [www.aarpmmp.org](http://www.aarpmmp.org) for further information on professional money management services.
- Get your estate plan in place. Talk with an attorney about helping you create the following as appropriate:
  - a living will. The Five Wishes living will is one popular example, visit [www.agingwithdignity.org](http://www.agingwithdignity.org)
  - a revocable trust
  - durable power of attorney for healthcare and/or asset management. Name a person you trust to make healthcare and asset management decisions for you when you are incapable. Designating co-powers of attorney can ensure that no one agent can act unilaterally.
- If you have to go to a long term care facility, learn about your options! Visit [www.medicare.gov/quality-care-finder/](http://www.medicare.gov/quality-care-finder/) for more info on long term care facility quality.

**BE CAUTIOUS!**  
Unscrupulous people target seniors and will abuse or take advantage of them. Consider doing the following:

- Learn about the types of elder abuse and neglect and associated warning signs (see National Center on Elder Abuse website to learn more: [www.ncea.aoa.gov/ncearoot/Main_Site/pdf/publication/NCEA_WhatIsAbuse-2010.pdf](http://www.ncea.aoa.gov/ncearoot/Main_Site/pdf/publication/NCEA_WhatIsAbuse-2010.pdf))
- Get on the National Do Not Call Registry to reduce telemarketing calls. Visit [www.donotcall.gov](http://www.donotcall.gov) or call **888-382-1222** to register your phone number.
- If you are offered a “prize”, “loan”, “investment”, etc. that sounds too good to be true, it probably is too good to be true.
- Consult with someone you trust before making a large purchase or investment. Don’t be pressured or intimidated into immediate decisions.
- Don’t sign any documents that you don’t completely understand without first consulting an attorney or family member you trust.
- Do not provide personal information (e.g. social security number, credit card) over the phone unless you placed the call and know with whom you are speaking.
- Tear up or shred credit card receipts, bank statements, and financial records before disposing of them in the trash.
- If you hire someone for personal assistance services, in home care services, etc. ensure that they have been properly screened with criminal background checks completed.
STAY CONNECTED!

Keep in touch regularly with others, isolation can make you vulnerable to abuse. Consider doing the following:

- Build a network of family, friends, neighbors, and groups that you can interact with
- Keep active, stay busy! Get involved with your senior center or other groups
- Create a buddy system with other elders, call each other daily for reassurance and friendship and visit each other if possible.

REPORT!

Making a report in instances of abuse or neglect is the right thing to do, and it’s easy. Don’t be afraid! Elders have a right to be safe!

- In cases of immediate danger, call 911.

- If you or others experience abuse or neglect in a community setting: Adult Protective Services (APS) is there to help. The APS mission is to ensure the safety and well-being of elders and dependent adults. To learn more about APS visit: www.apsnetwork.org/Abuse/index.html

- If you or others experience abuse or neglect in a long term care facility (e.g. nursing home, assisted living facility): The Long Term Care Ombudsman Program is there to help. The program’s mission is to advocate for residents in long term care facilities to help ensure safe, appropriate care. To learn more about the ombudsman program visit: www.ltcomбудман.org

LEARN MORE!

- Call Eldercare Locator at 1-800-677-1116 or visit the website at www.eldercare.gov/eldercare.NET/Public/index.aspx for your local reporting phone numbers.

- You may also visit the National Center on Elder Abuse website at: www.ncea.aoa.gov/NCEAroot/Main_Site/Find_Help/State_Resources.aspx to get state by state reporting information.

PREPARED FOR NCEA BY:

For more information: www.ncea.aoa.gov

This document was completed for the National Center on Elder Abuse and is supported in part by a grant (No. 90AB0002/01) from the Administration on Aging, U.S. Department of Health and Human Services (DHHS). Grantees carrying out projects under government sponsorship are encouraged to express freely their findings and conclusions. Therefore, points of view or opinions do not necessarily represent official Administration on Aging or DHHS policy."
F. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. DOES ALLEGED PERPETRATOR STILL HAVE ACCESS TO THE VICTIM? DOES THE ALLEGATION INVOLVE A SERIOUS BODILY INJURY (see definition in section "Reporting Responsibilities and Time Frames" within the General Instructions)? PROVIDE ANY KNOWN TIME FRAME (2 days, 1 week, ongoing, etc.). LIST ANY POTENTIAL DANGER FOR INVESTIGATOR (animals, weapons, communicable diseases, etc.).

- ✔ CHECK IF MEDICAL, FINANCIAL (ACCOUNT INFORMATION, ETC.), PHOTOGRAPHS, OR OTHER SUPPLEMENTAL INFORMATION IS ATTACHED.

<table>
<thead>
<tr>
<th>Date</th>
<th>Information</th>
<th>Source</th>
<th>Method</th>
<th>Date Received</th>
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G. OTHER PERSON BELIEVED TO HAVE KNOWLEDGE OF ABUSE *(family, significant others, neighbors, medical providers, agencies involved, etc.)*

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H. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM'S CARE *(If unknown, list contact person)*

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I. TELEPHONE REPORT MADE TO ☐ APS ☐ Law Enforcement ☐ Local Ombudsman ☐ Calif. Dept. of State Hospitals ☐ Calif. Dept. of Developmental Services

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<tr>
<th>NAME OF OFFICIAL CONTACTED BY PHONE</th>
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J. WRITTEN REPORT Enter information about the agencies receiving this report. If the abuse occurred in a LTC facility and resulted in Serious Bodily Injury*, please refer to "Reporting Responsibilities and Time Frames" in the General Instructions. Do not submit report to California Department of Social Services Adult Programs Division.

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K. RECEIVING AGENCY USE ONLY ☐ Telephone Report ☐ Written Report

1. Report Received by Date/Time

2. Assigned ☐ Immediate Response ☐ Ten-Day Response ☐ No Initial Response (NIR)

   ☐ Not APS ☐ Not Ombudsman ☐ No Ten-Day (NTD)

Approved by Assigned to (optional)

3. Cross-Reported to ☐ CDPH-Licensing & Cert.; ☐ CDSS-CCL; ☐ Local Ombudsman; ☐ Bureau of Medi-Cal Fraud & Elder Abuse;

   ☐ Calif. Dept. of State Hospitals; ☐ Law Enforcement; ☐ Professional Licensing Board;

   ☐ Calif. Dept. of Developmental Services; ☐ APS;

   ☐ Other (Specify) Date of Cross-Report

4. APS/Ombudsman/Law Enforcement Case File Number
REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE
GENERAL INSTRUCTIONS

PURPOSE OF FORM
This form, as adopted by the California Department of Social Services (CDSS), is required under Welfare and Institutions Code (WIC) Sections 15630 and 15658(a)(1). This form documents the information given by the reporting party on the suspected incident of abuse or neglect of an elder or dependent adult. Abuse means any treatment with resulting physical harm, pain, or mental suffering or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect means the negligent failure of an elder or dependent adult or of any person having the care or custody of an elder or a dependent adult to exercise that degree of self-care or care that a reasonable person in a like position would exercise. Elder means any person residing in this state who is 65 years of age or older (WIC Section 15610.27). Dependent Adult means any person residing in this state, 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 including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age (WIC Section 15610.23). Dependent adult includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility (defined in the Health and Safety Code Sections 1250, 1250.2, and 1250.3).

COMPLETION OF THE FORM
1. This form may be used by the receiving agency to record information through a telephone report of suspected dependent adult/elder abuse.
2. If any item of information is unknown, enter "unknown."
3. Item A: Check box to indicate if the victim waives confidentiality.
4. Item C: Check box if the reporting party waives confidentiality. Please note that mandated reporters are required to disclose their names, however, non-mandated reporters may report anonymously.

REPORTING RESPONSIBILITIES AND TIME FRAMES:
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 abuse or neglect, or is told by an elder or dependent adult that he or she has experienced behavior constituting abuse or neglect, or reasonably suspects that abuse or neglect has occurred, shall complete this form for each report of known or suspected instance of abuse (physical abuse, sexual abuse, financial abuse, abduction, neglect (self-neglect), isolation, and abandonment) involving an elder or dependent adult.

*Serious bodily injury means an injury involving extreme physical pain, substantial risk of death, or protracted loss or impairment of function of a bodily member, organ or of mental faculty, or requiring medical intervention, including, but not limited to, hospitalization, surgery, or physical rehabilitation (WIC Section 15610.67).

Reporting shall be completed as follows:
- If the abuse occurred in a Long-Term Care (LTC) facility (as defined in WIC Section 15610.47) and resulted in serious bodily injury, report by telephone to the local law enforcement agency immediately and no later than two (2) hours after observing, obtaining knowledge of, or suspecting physical abuse. Send the written report to the local law enforcement agency, the local Long-Term Care Ombudsman Program (LTCOP), and the appropriate licensing agency (for long-term health care facilities, the California Department of Public Health; for community care facilities, the California Department of Social Services) within two (2) hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was physical abuse, but did not result in serious bodily injury, report by telephone to the local law enforcement agency within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse. Send the written report to the local law enforcement agency, the local LTCOP, and the appropriate licensing agency (for long-term health care facilities, the California Department of Public Health; for community care facilities, the California Department of Social Services) within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was physical abuse, did not result in serious bodily injury, and was perpetrated by a resident with a physician's diagnosis of dementia, report by telephone to the local law enforcement agency or the local LTCOP, immediately or as soon as practicably possible. Follow by sending the written report to the LTCOP or the local law enforcement agency within 24 hours of observing, obtaining knowledge of, or suspecting physical abuse.
- If the abuse occurred in a LTC facility, was abuse other than physical abuse, report by telephone to the LTCOP or the law enforcement agency immediately or as soon as practicably possible. Follow by sending the written report to the local law enforcement agency or the LTCOP within two working days.
• If the abuse occurred in a state mental hospital or a state developmental center, mandated reporters shall report by telephone or through a confidential Internet reporting tool (established in WIC Section 15658) immediately or as soon as practicably possible and submit the report within two (2) working days of making the telephone report to the responsible agency as identified below:
  • If the abuse occurred in a State Mental Hospital, report to the local law enforcement agency or the California Department of State Hospitals.
  • If the abuse occurred in a State Developmental Center, report to the local law enforcement agency or to the California Department of Developmental Services.

• For all other abuse, mandated reporters shall report by telephone or through a confidential Internet reporting tool to the adult protective services agency or the local law enforcement agency immediately or as soon as practicably possible. If reported by telephone, a written or an Internet report shall be sent to adult protective services or law enforcement within two working days.

REPORTING PARTY DEFINITIONS
Mandated Reporter (WIC Section 15630 (a)) Any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not that 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.

Care Custodian (WIC Section 15610.17) means an administrator or an employee of any of the following public or private facilities or agencies, or persons providing care or services for elders or dependent adults, including members of the support staff and maintenance staff: (a) Twenty-four hour health facilities, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code; (b) Clinics; (c) Home health agencies; (d) Agencies providing publicly funded in-home supportive services, nutrition services, or other home and community-based support services; (e) Adult day health care centers and adult day care; (f) Secondary schools that serve 18- to 22-year-old dependent adults and postsecondary educational institutions that serve dependent adults or elders; (g) Independent living centers; (h) Camps; (i) Alzheimer's Disease Day Care Resource Centers; (j) Community care facilities, as defined in Section 1502 of the Health and Safety Code, and residential care facilities for the elderly, as defined in Section 1569.2 of the Health and Safety Code; (k) Respite care facilities; (l) Foster homes; (m) Vocational rehabilitation facilities and work activity centers; (n) Designated area agencies on aging; (o) Regional centers for persons with developmental disabilities; (p) State Department of Social Services and State Department of Health Services licensing divisions; (q) County welfare departments; (r) Offices of patients' rights advocates and clients' rights advocates, including attorneys; (s) The Office of the State Long-Term Care Ombudsman; (t) Offices of public conservators, public guardians, and court investigators; (u) Any protection or advocacy agency or entity that is designated by the Governor to fulfill the requirements and assurances of the following: (1) The federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, for protection and advocacy of the rights of persons with developmental disabilities; or (2) The Protection and Advocacy for the Mentally Ill Individuals Act of 1986, as amended, contained in Chapter 114 (commencing with Section 10801) of Title 42 of the United States Code, for the protection and advocacy of the rights of persons with mental illness; (v) Humane societies and animal control agencies; (w) Fire departments; (x) Offices of environmental health and building code enforcement; or (y) Any other protective, public, sectarian, mental health, or private assistance or advocacy agency or person providing health services or social services to elders or dependent adults.

Health Practitioner (WIC Section 15610.37) means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, licensed clinical social worker or associate clinical social worker, marriage, family, and child counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic, or person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code, a psychological assistant registered pursuant to Section 2913 of the Business and Professions Code, a marriage, family, and child counselor trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, or an unlicensed marriage, family, and child counselor intern registered under Section 4980.44 of the Business and Professions Code, state or county public health or social service employee who treats an elder or a dependent adult for any condition, or a coroner.

Any officer and/or employee of a financial institution is a mandated reporter of suspected financial abuse and shall report suspected financial abuse of an elder or dependent adult on form SOC 342, "Report of Suspected Dependent Adult/Elder Financial Abuse".

MULTIPLE REPORTERS
When two or more mandated reporters are jointly knowledgeable of a suspected instance of abuse of a dependent adult or elder, and when there is agreement among them, the telephone report may be made by one member of the group. Also, a single written report may be completed by that member of the group. Any person of that group, who believes the report was not submitted, shall submit the report.
IDENTITY OF THE REPORTER
The identity of all persons who report under WIC Chapter 11 shall be confidential and disclosed only among APS agencies, local law enforcement agencies, LTCOPs, California State Attorney General Bureau of Medi-Cal Fraud and Elder Abuse, licensing agencies or their counsel, Department of Consumer Affairs Investigators (who investigate elder and dependent adult abuse), the county District Attorney, the Probate Court, and the Public Guardian. Confidentiality may be waived by the reporter or by court order.

FAILURE TO REPORT
Failure to report by mandated reporters (as defined under "Reporting Party Definitions") any suspected incidents of physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect) of an elder or a dependent adult is a misdemeanor, punishable by not more than six months in the county jail, or by a fine of not more than $1,000, or by both imprisonment and fine. Any mandated reporter who willfully fails to report abuse of an elder or a dependent adult, where the abuse results in death or great bodily injury, may be punished by up to one year in the county jail, or by a fine of up to $5,000, or by both imprisonment and fine (WIC Section 15630(h)).

Officers or employees of financial institutions are mandated reporters of financial abuse (effective January 1, 2007). These mandated reporters who fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding $1,000. Individuals who willfully fail to report financial abuse of an elder or dependent adult are subject to a civil penalty not exceeding $5,000. These civil penalties shall be paid by the financial institution, which is the employer of the mandated reporter, to the party bringing the action.

EXCEPTIONS TO REPORTING
Per WIC Section 15630(b)(3)(A), a mandated reporter who is a physician and surgeon, a registered nurse, or a psychotherapist, as defined in Section 1010 of the Evidence Code, shall not be required to report a suspected incident of abuse where all of the following conditions exist:

(1) The mandated reporter has been told by an elder or a dependent adult that he or she has experienced behavior constituting physical abuse (including sexual abuse), abandonment, isolation, financial abuse, abduction, or neglect (including self-neglect).
(2) The mandated reporter is not aware of any independent evidence that corroborates the statement that the abuse has occurred.
(3) The elder or the dependent adult has been diagnosed with a mental illness or dementia, or is the subject of a court-ordered conservatorship because of a mental illness or dementia.
(4) In the exercise of clinical judgment, the physician and surgeon, the registered nurse, or the psychotherapist, as defined in Section 1010 of the Evidence Code, reasonably believes that the abuse did not occur.

DISTRIBUTION OF SOC 341 COPIES
Mandated reporter: After making the telephone report to the appropriate agency or agencies, the reporter shall send the written report to the designated agencies (as defined under "Reporting Responsibilities and Time Frames"); and keep one copy for the reporter's file.

Receiving agency: Place the original copy in the case file. Send a copy to a cross-reporting agency, if applicable. DO NOT SEND A COPY TO THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADULT PROGRAMS DIVISION.
PROTECT YOUR POCKETBOOK

Tips to Avoid Financial Exploitation

Section 7.9
Financial exploitation targeting older adults is a major problem that is growing across the United States. Research shows that as many as five million older adults are victims of elder abuse each year. Financial exploitation, also known as financial abuse, is believed to cost seniors an estimated $3 billion annually. It is a threat to the health, safety, dignity and independence of vulnerable older adults, but you can help prevent it from happening.

This brochure is not meant to “scare” you or make you paranoid about all financial matters. The vast majority of family, friends and professionals who help you handle your money have good intentions. This brochure should simply be used as a tool to educate you about financial exploitation, provide you with tips on how to stay safe and direct you to resources in case you need help for yourself or a friend.

What is considered financial exploitation (abuse)?
Financial exploitation happens when someone illegally or improperly uses your money or property for their own benefit. This type of exploitation can be committed by someone you know or a complete stranger.

Who might commit financial exploitation?
Often financial exploitation is committed by a person you know and trust, such as a friend, caregiver or family member. But anyone who has access to your personal information may choose to misuse that information for their own benefit. Some predictors of potential abusers are: people with drug or alcohol issues; people with gambling problems; people with untreated mental health issues; people who are financially dependent.

Are you at risk?
Everyone could potentially be the target of financial exploitation and everyone should be cautious with their financial matters, especially older adults. You might be particularly at risk if: you depend on others for meeting many personal needs; you recently lost a spouse or loved-one who handled your finances; family or friends regularly handle your finances; you feel isolated from society; you have difficulty understanding finances; and/or you live in a long-term care setting.
What are some potential signs of financial exploitation?

You, family and friends or your bank might notice some common warning signs that may indicate that you are being exploited. These signs might include:

- You notice financial activity that is inconsistent with your financial history and/or beyond your means (i.e. increased or unexplained credit card activity, withdrawals in spite of penalties, newly authorized signers on accounts).

- Your caregiver or beneficiary refuses to use your funds for necessary care and treatment.

- You are confused about recent financial arrangements/transactions and are reluctant to discuss finances.

- There have been recent changes to your property titles, deeds, refinanced mortgages, Power of Attorney documents, wills, trusts or other documents that you do not understand and did not authorize.

- People are threatening to place you in a long-term care facility unless you give them control of your finances.

- It appears that food or medication has been manipulated or withheld so you become weak and compliant.

- You have been threatened with harm, neglect or abandonment if you don't agree to financial arrangements presented by others.

- You have taken on the financial responsibility for a family member or friend without regard for your own needs.
I think I am being exploited. What should I do?

Do some of the warning signs sound familiar to you? Are your finances dwindling away at a rate that does not make sense to you? If you suspect you are a victim of financial exploitation, there are steps you can take and resources available to you to help identify and remedy the problem.

Reporting the issue may not be easy, especially when you suspect a friend or family member might be the offender. But it is important to remember that financial exploitation is a crime. You and your finances have the right to be safe and secure!

There are agencies in your state and community that deal with protecting the financial safety and well-being of older adults.

- If you feel threatened and believe you are in immediate danger, contact local law enforcement (911). To report a suspected crime in a non-emergency situation, you can contact local law enforcement at their regular phone number.

- The Eldercare Locator is a nationwide, public service that connects older adults and caregivers with local aging resources that can help, such as an Area Agency on Aging, Aging and Disability Resource Center or Title VI Native American aging program. Through the Eldercare Locator you can get connected with an agency in your community, Adult Protective Services or an Ombudsman office (for abuse happening in a long-term care facility).

  Call the Eldercare Locator at 800.677.1116 or visit www.eldercare.gov.

- Adult Protective Services (APS) are services provided to ensure the safety and well-being of older adults and adults with disabilities (policies vary by state) who are in danger of being mistreated, neglected or exploited. Each state has an Adult Protective Services program. You can locate the phone number and website for the APS in your state at www.napsa-now.org/get-help-in-your-area.

- Long-term Care Ombudsmen are advocates for residents of nursing homes, board and care homes and assisted living facilities. Ombudsmen provide information about how to find a facility and what to do to get quality care. They are trained to resolve problems. If you want, the ombudsman can assist you with complaints about abuse or neglect. Every state is required to have an Ombudsman Program. For more information, go to www.ltcombudsman.org/ombudsman.

- The National Center on Elder Abuse has general information to help inform you about elder abuse. Learn more at www.ncea.aoa.gov.
What are steps you could take to avoid being taken advantage of financially?

**Plan**
Talk with family members, friends and professionals who you trust to help plan for your financial future.

Consider doing the following:
- If managing your daily finances becomes too difficult, consider engaging a money manager. Only allow someone you trust to manage your finances. Visit [www.aarpmmp.org](http://www.aarpmmp.org) for further information on money management services.
- Get your estate plan in place. Talk with an attorney about creating the following, as appropriate:
  - Durable power of attorney for asset management. Name a person you trust to make asset management decisions for you when you are unable.
  - A living will. The Five Wishes living will is one popular example, visit [www.agingwithdignity.org](http://www.agingwithdignity.org).
  - A revocable, or living, trust.
  - Health care advance directives.

**Be Cautious**
Be aware! Dishonest people could potentially take advantage of you.

Consider doing the following:
- Get on the National Do Not Call Registry to reduce telemarketing calls. Visit [www.donotcall.gov](http://www.donotcall.gov) or call 888.382.1222 to register your phone number.
- Keep in touch with others, isolation can make you more vulnerable.
- Learn how to protect yourself from frauds and scams at [www.stopfraud.gov/protect.html](http://www.stopfraud.gov/protect.html).
- Do not send anyone personal information to collect a prize or reward.
- Consult with someone you trust before making a large purchase or investment. Don’t be pressured or intimidated into quick decisions by a salesperson or contractor.
- Don’t sign any documents that you don’t completely understand without first talking it over with an attorney or a family member you trust.
- Do not provide personal information (i.e. Social Security, credit card, ATM PIN number) over the phone unless you placed the call and know with whom you are speaking.
- Tear up or shred credit card receipts, bank statements, solicitations and financial records before disposing of them.
- If you hire someone to help you in your home, ensure that they have been properly screened with criminal background checks completed. Ask for certifications when appropriate.
Eldercare Locator
800.677.1116
www.eldercare.gov
www.facebook.com/eldercarelocator

The Eldercare Locator is the first step to finding resources for older adults in any U.S. community and a free national service funded by a grant from the U.S. Administration on Aging (AoA). The Eldercare Locator is administered by the National Association of Area Agencies on Aging (n4a).

National Center on Elder Abuse
www.ncea.aoa.gov
www.facebook.com/nationalcenteronelderabuse

Directed by the U.S. Administration on Aging, the National Center on Elder Abuse is a resource for elder abuse information, and provides technical assistance and training to states and to community-based organizations. NCEA’s quarterly e-newsletter highlights promising practices, trends, policy initiatives and research.

Ageless Alliance
www.agelessalliance.org

Ageless Alliance is a grassroots movement connecting people of all age groups to identify, prevent and eliminate elder abuse.

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