

At-Risk Adults and At-Risk Elders Mandatory Reporting Policy and Procedures

PURPOSE

The purpose of this policy is to establish procedures for reporting abuse of elder adults (age 70+) and at-risk individuals with intellectual/developmental disabilities (IDD) who are clients/consumers and potential clients/consumers of The Independence Center. This policy also provides information on Urged Reporting and procedures as defined by Adult Protective Services.

POLICY

Any administrator, supervisor, employee, licensed staff, or volunteer (“Mandated Reporters”) who learns about, witnesses, or suspects that an individual age 70 or older or an adult individual with IDD is being or has been abused, neglected by caretaker, or exploited must report suspected cases to the police department or the sheriff’s office in the city or county where the abuse occurred within 24 hours. The law enforcement agency that the abuse was reported to is responsible for contacting Adult Protective Services (APS). The Independence Center staff members are not required to contact APS. The Mandated Reporter is required to report the suspected abuse, suspected neglect, or suspected exploitation; the information cannot be referred to another staff member to make the report. All employees, including those in unsalaried categories, must sign a statement that they understand and will comply with the at-risk mandatory reporting requirements under Colorado law.

PROCEDURE

I. Reporting Procedures

- A. **What to Report:** A Mandated Reporter must report to the law enforcement agency where the abuse, neglect, or exploitation took place, and/or any of the following incidents of abuse that he or she observes in his or her professional capacity or within the scope of his or her employment:
 1. Any incident that he or she has observed or has knowledge of that reasonably appears to be physical abuse, abandonment, isolation, financial abuse, sexual abuse, or neglect; or

2. If an elder or adult with IDD says that he or she has experienced behavior constituting physical abuse, abandonment, isolation, financial abuse, or neglect; or
 3. If he or she reasonably suspects abuse.
- B. Call Law Enforcement:** All incidents of abuse are to be reported directly to law enforcement agency that has jurisdiction in the location where the abuse occurred.
1. A list of law enforcement agencies is included.
 2. A reporting form is included.
 3. You must give your immediate supervisor the reporting form after you have made the report to the appropriate law enforcement agency.
- C. Additional Responsibilities:** If you have reason to believe the elder or at-risk adult needs medical care:
1. Call 911 if the need is obvious and immediate.
 2. Ask the client/consumer if they would like you to call an ambulance.
 3. Ask the client/consumer if they need you to contact a friend or family member for assistance and have them sign a Consent for Release of Information form (attached).
 4. Determine what other services or referrals may be required or necessary to meet the needs of the client/consumer or ensure safety.
 5. Seek advice from supervisors as necessary.
- D. Reporting**
1. The report shall be made by telephone within 24 hours. Reports shall be made to the local law enforcement agency where the abuse, neglect, or exploitation is alleged to have occurred.
 - a. Where two or more Mandated Reporters have knowledge of a known or suspected incident of abuse, neglect, or exploitation, the telephone report shall be made by all member who have been directly informed.
 - b. All directly informed members shall report their extent and knowledge to law enforcement and state that they may be making a duplicate/multiple report.

- c. A single IC reporting form can be completed and signed by all reporting members, or separate reporting forms can be completed and signed individually and returned to supervisors. Supervisors will route the completed forms to HR for upload to a secure file on the Y Drive.
2. Mandatory Reporting Form (attached): The information reported by telephone shall include the following:
- a. Name, address, age and contact information of the elder or at-risk adult;
 - b. Name and contact information of the person making the report;
 - c. Name and contact information of the at-risk person's caretaker, if known;
 - d. Name of the alleged perpetrator and any contact information, if known;
 - e. The nature and extent of the at-risk person's injury, whether physical or financial, if any;
 - f. The nature and extent of the environmental conditions that required the report to be made;
 - g. Any other pertinent information.

II. **Reporting Responsibilities**

- A. The at-risk adult reporting duties are individual, and no supervisor or administrator may impede or inhibit the reporting duties. No person making such a report shall be subject to any sanction for making the report. However, The Independence Center has established internal procedures to facilitate reporting, ensure confidentiality, and notify supervisors and administrators of reports. These procedures are consistent with Colorado law.
- B. A person who reports abuse, caretaker neglect, or exploitation of an at-risk person to a law enforcement agency in accordance with *C. R. S 18-6.5-208* is immune from suit and liability for damages in any civil action or criminal prosecution if the report was made in good faith; with the exception that such a person is not immune if he or she is the alleged perpetrator of the abuse, neglect, or exploitation.
- C. Any Mandated Reporter who fails to report physical abuse, abandonment, isolation, financial abuse, or neglect of an at-risk person which he or she knows to exist or reasonably should know to exist as required by *C.R.S. 18-6.5-108, C.R.S.*

26-3.1-101, and C.R.S. 26-3.1-201 is guilty of a misdemeanor punishable by a minimum \$50 fine and a maximum 6 months in jail and/or a \$750 fine.

III. Definitions

- A. Abuse includes the non-accidental infliction of bodily injury, serious bodily injury, or death; confinement or restraint that is unreasonable under generally accepted caretaking standards; financial exploitation; and caretaker neglect
- B. Exploitation means an act or omission committed by a person who: uses deception, harassment, intimidation or undue influence to permanently or temporarily deprive an at-risk elder of the use, benefit, or possession of his or her money, assets, or property.
- C. Neglect occurs when the adult's caretaker fails to make sure he/she has adequate food, clothing, shelter, psychological care, physical care, medical care, habilitation, supervision, or other treatment necessary for health, safety, and welfare. The caretaker does not provide these needs in a timely manner or with the same degree of care that a reasonable person in the same situation would use. It is neglect when the caretaker knowingly uses harassment, undue influence, or intimidation to create hostile or fearful environment.

Urged Reporting Process and Procedure

Policy and Procedure for Urged Reporting

Urged reporting is suggested for individuals who do not meet the “mandatory reporting “at-risk” definition but may still be at risk due to other factors such as: dementia, physical or medical frailty, TBI, neurological disease, or severe major mental illness/emotional disorders that prevent the adult from managing their daily needs.

*APS takes reports of mistreatment and self-neglect of “at-risk adults” who are not covered under the mandatory reporting law.

Reporting

1. The report shall be made by telephone within 24 hours. Reports shall be made to the local County Department of Human/Social Services where the adult lives. Have as much information as possible about the adult and the concern as possible (name and address, description of mistreatment or self-neglect, the nature and/or extent of the injury, the alleged perpetrator and name and address if possible, any other relevant information)
 - a. Where two or more Mandated Reporters have knowledge of a known or suspected incident of mistreatment or self-harm, the telephone report shall be made by all members who have been directly informed.
 - b. All directly informed members shall report their extent and knowledge to APS and state that they may be making a duplicate/multiple report. A single IC reporting form can be completed and signed by all reporting members, or separate reporting forms can be completed and signed individually and returned to supervisors. Supervisors will route the completed forms to HR for upload to a secure file on the Y Drive.
2. Mandatory Reporting Form (attached) : The information reported by telephone shall include the following:
 - a. Name, address, date of birth, and contact information of the individual;
 - b. Name and contact information of the person making the report;
 - c. Name and contact information of the individual’s caretaker, if applicable;
 - d. Name of the alleged perpetrator and any contact information, if known;
 - e. The nature and extent of the individual’s injury, whether physical or financial, if any;
 - f. The nature and extent of the environmental conditions that required the report to be made;

g. Any other pertinent information.

APS Process and Priorities

1. APS investigations and reports are confidential and cannot be shared except in very limited circumstances. At-risk adults must consent to protective services. APS does not need consent to conduct an investigation into allegations of mistreatment or self-neglect. At-risk adults have the right to make their own choices, unless they no longer have capacity, or unless their choices violate a law or are a danger to others. APS will always try to implement services for the shortest duration and the minimum extent necessary to protect the at-risk adult.
2. Complete Internal process paperwork for self-neglect and urged reporting.

WHO TO CALL

For Mandatory Reporting:

Police and Sheriff’s Office Contact Information

Calhan Police	(719) 347-2586
Chaffee County Sheriff	(719) 539-2596
Cheyenne County Sheriff	(719) 767-5633
Colorado Springs Police	(719) 444-7000
Costilla County Sheriff	(719) 672-0673
Cripple Creek Police	(719) 689-2655
Custer County Sheriff	(719) 783-2270
Douglas County Sheriff	(303) 660-7427
El Paso County Sheriff	(719) 520-7111
Elbert	(303) 621-2027
Fort Carson MPs	(719) 526-2333
Fountain Police	(719) 382-8555
Fremont County Sheriff	(719) 276-5555

Huerfano County Sheriff	(719) 738-1600
Kiowa County Sheriff	(719) 438-5411
Kiowa Police Department	(303) 621-2100
Kit Carson County Sheriff	(719) 346-7282
Lake County Sheriff	(719) 486-1249
Las Animas County Sheriff	(719) 846-2211
Lincoln County Sheriff	(719) 743--2392
Manitou Springs Police	(719) 685-5407
Monument Police	(719) 481-3253
Otero County Sheriff	(719) 384-5941
Park County Sheriff	(719) 836-2494
Pueblo County Sheriff	(719) 583-6125
Teller County Sheriff	(719) 687-9652
Woodland Park Police	(719) 687-9262

For Urged Reporting:

Adult Protective Services Contact Information

Chaffee County APS	(719) 539-6627
Cheyenne County APS	(719) 767-5629
Colorado Springs APS	(719) 444-5755
Costilla County APS	(719) 672- 4131
Crowley County APS	(719) 267-3549
Custer County APS	(719) 783-2371
Douglas County APS	(303) 663-6270
El Paso County APS	(719) 444-5755
Fremont County APS	(719) 275-2318
Huerfano County APS	(719) 739-2810

Kiowa County	(719) 438-5541
Kit Carson County APS	(719) 346-8732
Lake County APS	(719) 486-0393
Las Animas County APS	(719) 846-2276 x37
Lincoln County APS	(719) 743-2404
Otero County APS	(719) 383-3166
Park County APS	(303) 816-5939
Pueblo County APS	(719) 583-6853
Teller County APS	(719) 686-5550
