

Rogers' Consulting and Management (RCM)  
Board of Trustees

Zero Tolerance Policy on Consumer Abuse or Neglect

**1. Scope**

Pursuant to the requirements of RCM's contract with the Board of Trustees hereby adopts the following Zero Tolerance Policy for Consumer Abuse or Neglect. This policy applies to:

- A. All of RCM's employees, volunteers, interns, consultants, or anyone that provide direct services and supports (as defined by Welfare & Institutions Code (WIC) section 4512(b)) to individuals with developmental disabilities that is served by RCM.
- B. RCM's employees, who are considered "mandatory reporters" under either of the reporting laws described in sections 4 and 5 below.

**2. Effective Date**

This policy shall become effective on November 30, 2014.

**3. Background**

The California legislature has adopted various laws to protect all children, dependent adults, and elders from various types of abuse and neglect. These laws also apply to individuals with developmental disabilities. This policy concerns the application of such laws to consumers.

**4. The Adult Reporting Law**

California WIC sections 15600-15675, known as the Elder Abuse and Dependent Adult Civil Protection Act (adult reporting law) provides (among other things) that any person who has assumed responsibility for the care or custody of an adult consumer, including administrators, supervisors, and any licensed staff of a facility

that provide care or services for adult consumers, is a mandated reporter.<sup>1</sup> Under the adult reporting law, any mandated reporter who experiences any of the following shall report the abuse to the applicable governmental authorities (subject to certain limited exceptions described in the adult reporting law).<sup>2</sup>

- A. Has observed or has knowledge of an incident that reasonably appears to be physical abuse, sexual abuse, abandonment, abduction, isolation, financial abuse, or neglect of an adult consumer.
- B. Is told by an adult consumer that he or she has experienced adult abuse.
- C. Reasonably suspects the existence of adult abuse.

## 5. **The Child Reporting Law**

California Penal Code sections 11164 – 11174.3., known as the Child Abuse and Neglect Reporting Act (child reporting law), provides (among other things) that various categories of persons who interact with a consumer under the age of 18 are mandated reporters.<sup>3</sup> Under Penal Code section 11166, any mandated reporter who has knowledge of or observes a person under 18 whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect (child abuse), shall report the abuse to the applicable government authorities (subject to certain limited exceptions described in the child reporting law).<sup>4</sup> It is important to note that the list of mandated reporters who are obligated to report child abuse is different than the list of mandated reporters obligated to report adult abuse.

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<sup>1</sup> The definition of “mandated reporter” under the Adult Reporting law is found in Welfare and Institutions Code (WIC) section 15630(a). The list of care custodians who are mandated reporters is found in WIC section 15610.17.

<sup>2</sup> Definitions of elder and adult abuse are found in WIC sections 15610-15610.67.

<sup>3</sup> Penal Code section 11165.7 identifies those individuals who are mandated reporters under the child reporting law.

<sup>4</sup> “Child abuse or neglect” is defined in Penal Code section 11165.6, which in turn references specific forms of abuse and neglect, which are defined in Penal Code sections 11165.1-11165.5.

## 6. Purpose

The purpose of this policy is to protect the interests of RCM's consumers and their families by:

- A. Educating all mandated reporters about their legal obligation to report adult and child abuse (consumer abuse).
- B. Requiring mandated reporters to fully comply with the adult and child reporting laws (reporting laws).
- C. Providing information to assist mandated reporters in reporting consumer abuse to the proper authorities.
- D. Describing the consequences resulting from a mandated reporter's failure to comply with the reporting laws and this policy. The implementation of this policy will assist in ensuring a safe and healthful environment for all individuals with a developmental disability who are provided services or supports by a service provider or a long-term health care facility.

## 7. Responsibility or Enforcement of Policy

RCM's Board of Trustees has general oversight of this policy. The Board of Trustees delegates the oversight and implementation of this policy to RCM's executive director.

## 8. The Policy

- A. Duty to Comply with Reporting Laws. All individuals identified in **Section 1** shall strictly comply with the reporting laws at all times. A mandated reporter must (unless exempt under law) report all consumer abuse to the applicable governmental authorities immediately, or as soon as practicably possible, after his or her discovery or reasonable belief of consumer abuse.
- B. Taking Action to Ensure Consumer Health and Safety. If anyone identified in **Section 1** becomes aware of consumer abuse, such entity shall take immediate action, to the extent permitted by law, to ensure the health and safety of the affected consumer and all other consumers receiving services

and supports from RCM. This obligation is in addition to a mandated reporter's obligation to report consumer abuse under the reporting laws.

9. **Procedures**

- A. RCM's Annual Notice. RCM shall notify all individuals identified in Section 1 of this policy on an annual basis.
- B. RCM's Posting of this Policy on its Website. RCM shall promptly post and maintain this policy on its website.
- C. Incorporation of this Policy into New Contracts/Agreements. This policy shall be attached as an exhibit and/or incorporated by reference into all RCM's contracts and contract amendments that are entered into after the effective date of this policy.

10. **How to Report Adult Abuse Under the Adult Reporting Law**

- A. Reporting rules for a consumer in a long-term care facility. When adult abuse occurs in a long-term care facility (as defined by the reporting law), the scope of the mandated reporter's duties depends on the nature of abuse.
  - 1. **Serious Bodily Injury**. If a consumer suffers physical abuse which results in serious bodily injury (as defined in WIC section 15610.67), the mandated reporter must:

Immediately report such abuse by phone to the local law enforcement agency, and Submit a written report on the Department of Social Services (DSS) form SOC 341 (defined in section 10E. below) to law enforcement, the local ombudsman, and the applicable licensing agency within 2 hours.
  - 2. **Other Physical Abuse**. If a consumer suffers physical abuse which does not result in serious bodily injury, the mandated reporter must:

Report such abuse by phone to law enforcement within 24 hours and Submit a written report on DSS form SOC 341 to law

enforcement, the ombudsman, and the applicable licensing agency within 24 hours.

3. Other Non-Physical Adult Abuse. If a consumer suffers other types of adult abuse, the mandated reporter must:

Report such abuse by phone to law enforcement or the ombudsman immediately, or as soon as practically possible, and Submit a written or Internet report to law enforcement or the ombudsman within 2 working days.

- B. Reporting Rules for a Consumer Not in a Long-Term Care Facility. When a consumer suffers adult abuse at any place other than a long-term care facility<sup>5</sup>, the mandated reporter shall immediately, or as soon as practically possible, submit such report to the county adult protective services agency or law enforcement. The mandated reporter shall submit either:
  1. A confidential Internet report (as noted in section 10.C. below) or
  2. Both a telephonic and written report (as noted in section 10.E. below).
- C. Internet Report. To report suspected adult abuse to APS via the Internet, the mandated reporter should complete a confidential Internet report. For consumers residing in Los Angeles County, the reporting website is: <https://apslive.lacss.harmonyis.net/lacssliveintake/>.
- D. Telephonic Report. To report suspected adult abuse to APS via telephone, the mandated reporter should call the office of APS in the county where the consumer is located. In Los Angeles County, the reporting phone number is: (877)477-3646. Within two working days, after the mandated reporter submits a telephonic report, the mandated reporter shall submit either the Internet report described in section 10.C above or the written report described in section 10.E below.
- E. Written Report. To report suspected adult abuse to APS in writing, the mandated reporter should file a report on California Department of Social

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<sup>5</sup> Other than developmental centers and state mental health hospitals, which have separate reporting requirements.

Services (DPSS) Form SOC 341 (entitled, “Report of Suspected Dependent Adult/Elder Abuse”). The form can be found on the following website:  
<https://www.cdss.ca.gov/adult-protective-services>

[Report of Suspected Dependent Adult/Elder Abuse, SOC 341](#) (pdf)  
[Report of Suspected Dependent Adult/Elder Financial Abuse, SOC 342](#) (pdf)

- F. Contents of Report. A telephonic report or Internet report of adult abuse shall include, if known:
1. The name of the person making the report.
  2. The name and age of the consumer.
  3. The present location of the consumer.
  4. The names and addresses of family members or any other adult responsible for the consumer’s care.
  5. The nature and extent of the consumer's condition.
  6. The date of the incident, and any other information, including information that led that person to suspect adult abuse, as requested by the agency receiving the report.
- G. Review the Law in Full to Understand Your Responsibilities. This policy only highlights a portion of the adult reporting law. All service providers, long term health care facility providers, and mandated reporters are encouraged to read the adult reporting law in full. A copy of the adult reporting law can be downloaded from the Internet at <http://www.leginfo.ca.gov/calaw.html> by checking the box next to “Welfare and Institutions” and looking for the appropriate section numbers.
- H. Additional Resources. The California Office of the Attorney General has published two videos and a related training document, entitled, “Your legal Duty...Reporting Elder and Dependent Adult Abuse,” which contain additional information. The videos are on the web at: <http://oag.ca.gov/bmfea>. The training document is on the web at: [http://oag.ca.gov/sites/all/files/pdfs/bmfea/yld\\_text.pdf](http://oag.ca.gov/sites/all/files/pdfs/bmfea/yld_text.pdf).  
<https://www.cdss.ca.gov/inforesources/adult-protective-services>  
[Mandated Report Online Training](#)

## 11. How to Report Child Abuse Under the Child Reporting Law

- A. Recipient of Report. Mandated reporters shall make reports of suspected child abuse to:
1. Any police department or sheriff's department (not including a school district police or security department),
  2. A county probation department, if designated by the county to receive mandated reports, or
  3. The county welfare department.
- B. Telephonic Report. The mandated reporter shall make an initial report of child abuse by telephone to the applicable agency immediately or as soon as is practicably possible. For example, the emergency response child abuse reporting telephone number for Los Angeles County is: (800)540-4000.
- C. Written Report. The mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report (on CDSS Form SS 8572) within 36 hours of receiving the information concerning the incident. The report form, entitled "Suspected Child Abuse Report," can be found at: [http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss\\_8572.pdf](http://oag.ca.gov/sites/all/files/agweb/pdfs/childabuse/ss_8572.pdf).
- D. Contents of Report. Reports of suspected child abuse shall include:
1. The name, business address, and telephone number of the mandated reporter.
  2. The capacity that makes the person a mandated reporter.
  3. The information that gave rise to the reasonable suspicion of child abuse and the source or sources of that information.

If a report is made, the following information, if known, shall also be included in the report:

4. The child's name.
5. The child's address, present location, and, if applicable, school, grade, and class.
6. The names, addresses, and telephone numbers of the child's parents or guardians.

7. The name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child.

The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

- E. Review the Law in Full to Understand Your Responsibilities. This policy only highlights a portion of the child reporting law. All service providers, long term health care facility providers, and mandated reporters are encouraged to read the child reporting law in full. A copy of the Child Abuse Law and Neglect Reporting Act can be downloaded from the Internet at <http://www.leginfo.ca.gov/calaw.html> by checking the box next to “Penal Code” and looking for the appropriate section numbers.
- F. Additional Resources. The CDSS publishes a booklet entitled, “The California Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters,” which contains additional information. The booklet is on the web at: [www.cdss.ca.gov/cdssweb/entres/forms/English/PUB132.pdf](http://www.cdss.ca.gov/cdssweb/entres/forms/English/PUB132.pdf).

## 12. **Consequences of Failure to Comply**

- A. RCM’s Intention to Enforce. RCM expects all individuals identified in **Section 1** to comply with this policy and the reporting laws. To the extent they fail to do so, RCM will utilize all remedies available to it in statute and regulations to protect the health and safety of its consumers.
- B. Statutory Penalties For Failure to Report Adult Abuse (WIC section 15630(h)) A mandated reporter’s failure to report, or impeding or inhibiting a report of, adult abuse, in violation of the adult reporting law, is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. Any mandated reporter who willfully fails to report, or impedes or inhibits a report of, adult abuse, in violation of the adult reporting law (if that abuse results in death or great bodily injury), shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.



- C. Statutory Penalties for Failure to Report Child Abuse (Penal Code sections 11166(c) and 11166.01(b)). Any mandated reporter who fails to report an incident of known or reasonably suspected child abuse as required by the child reporting law is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. Any mandated reporter who willfully fails to report child abuse in violation of the child reporting law (where that abuse or neglect results in death or great bodily injury to the child) shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment.
- D. Statutory Penalties for Impeding a Report of Child Abuse (Penal Code section 11166.01). Any supervisor or administrator who impedes or inhibits the reporting duties of a mandated reporter concerning child abuse shall be punished by not more than six months in a county jail, by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment. However, such punishment shall be increased to up to one year in a county jail, or by a fine of not more than five thousand dollars (\$5,000), or by both that fine and imprisonment, where that abuse or neglect results in death or great bodily injury to the child.

### 13. Inconsistencies

If any inconsistency exists between this policy and the reporting laws, the provisions in the reporting laws shall prevail.

# Adult Protective Services (APS)

From The Department of Social Services' website - Each California County has an Adult Protective Services (APS) agency to help elder adults (65 years and older) and dependent adults (18-64 who are disabled) when these adults are unable to meet their own needs or are victims of abuse, neglect or exploitation. County APS agencies investigate reports of abuse of elders and dependent adults who live in private homes, apartments, hotels, or hospitals.

There are many types of abuse. Some of the more common types, with examples, are listed below.

## Types of Abuse

<b>Physical</b>	Hitting, kicking, burning, dragging, over or under medicating
<b>Sexual Abuse</b>	Unwanted sexual contact, sexual exploitation, forced viewing of pornography
<b>Abandonment</b>	Desertion or willful forsaking by anyone having responsibility for care
<b>Isolation</b>	Preventing the individual from receiving mail, telephone calls, visitors
<b>Financial</b>	Theft, misuse of funds or property, extortion, duress, fraud
<b>Neglect</b>	Failure to provide food, clothing, shelter, or health care for an individual under one's care when the means to do so are available
<b>Self-neglect</b>	Failure to provide food, clothing, shelter, or health care for oneself.
<b>Mental suffering</b>	Verbal assaults, threats, causing fear.

## Warning Signs

These are some possible warning signs that abuse might be occurring to an older or disabled adult or that the individual is at increased risk for abuse. If you observe some of these occurring with an older or disabled adult, you know, consider alerting County Adult Protective Services.

<ul style="list-style-type: none"><li>• Explanation for an injury is inconsistent with its possible cause</li></ul>
<ul style="list-style-type: none"><li>• Recent changes in the elder or dependent adult's thinking; seems confused or disoriented</li></ul>
<ul style="list-style-type: none"><li>• The caregiver is angry, indifferent, or aggressive toward the elder or dependent adult</li></ul>
<ul style="list-style-type: none"><li>• Personal belongings, papers, or credit cards are missing</li></ul>
<ul style="list-style-type: none"><li>• The elder appears hesitant to talk openly</li></ul>
<ul style="list-style-type: none"><li>• Lack of necessities, such as food, water, utilities, medications, and medical care</li></ul>
<ul style="list-style-type: none"><li>• The caregiver has a history of substance abuse, mental illness, criminal behavior or family violence</li></ul>
<ul style="list-style-type: none"><li>• Another person's name added to the client's bank account or important documents, or frequent checks made out to cash</li></ul>

## INDICATORS OF SEXUAL ABUSE

### PHYSICAL INDICATORS:

Bruising around genital area	Complaint of lower abdominal pain	Painful urination, defecation
Swelling or discharge from vagina/penis	Missed menstruation	Sexually transmitted disease
Tearing around genital area, including rectum.	Visible lesions around mouth or genitals	

### BEHAVIORAL INDICATORS:

Sexualized behavior (has precocious knowledge of explicit sexual behavior and engages self or others in overt or repetitive sexual behavior)	Hostile or aggressive	Fearful or withdrawn
Self-destructive (self- mutilates)	Pseudo-mature (seems mature beyond chronological age)	Sleeping/Eating disorders
Alcoholism/drug abuse	Running away	Promiscuous behavior
Onset of enuresis or encopresis	New vocalization habits or elective autism	Stuffing behaviors

### FACTORS AFFECTING THE INDIVIDUAL:

• Dependency on care givers and others	Lack of boundaries/sense of ownership	Isolation/lack of access to information
Low self-esteem/over compliance	Public denial/disbelief (lack of credibility)	Ambiguity/ambivalence in expression Increased family stress
Increased challenge of certain behavior problems	Inconsistency/unpredictability in expressing emotions	
Delay in basic social responses	Physical malformation/anomalies	

### SEXUAL ABUSE RISK FACTORS: FACTORS AFFECTING THE CARE GIVER:

Grief and loss of “normal” child	Loss of hope for future of disabled child	Parent abuse history as child
Low self-esteem	Social isolation	
Low frustration tolerance	Inadequate parenting skills	Unrealistic expectations of child’s behavior/poor understanding of child development
Unrealistic expectations regarding the potential of the disabled child	Attitudes and beliefs	Resentment
Shame	Guilt	Frustration/loss of control by others (sibs, relatives caring for individual, service providers, etc.)

Adapted from Gil, E. (2000) The California Child Abuse & Neglect Reporting Law: Issues and Answers for Mandated Reporters. California Department of Social Services, Office of Child Abuse Prevention. Pub 132

Adapted from Clinical Module V: Exploitation and Abuse, North Los Angeles County Regional Center (2002 edition).