

Adult Abuse

327.1 PURPOSE AND SCOPE

This policy provides members of the Fresno County Fire Protection District with guidance regarding when notification is to be made to law enforcement and/or the local ombudsman and licensing agencies of suspected abuse of certain adults.

327.1.1 DEFINITIONS

Definitions related to this policy include (Welfare and Institutions Code § 15610.63):

Adult abuse - Abuse of an elder, age 65 years or older, or dependent adult that includes physical abuse, abandonment, abduction, isolation, financial abuse or neglect.

327.2 POLICY

It is the policy of the Fresno County Fire Protection District to assist victims of adult abuse by making the proper notifications to those responsible for investigating these matters.

327.3 MANDATORY NOTIFICATION

Firefighters, paramedics, Emergency Medical Technicians (EMTs) I and II and other District members certified under Division 2.5 of the Health and Safety Code are designated as mandated reporters (Welfare and Institutions Code § 15630(a)).

Members of the Fresno County Fire Protection District shall notify law enforcement or Adult Protective Services (APS) when the member (Welfare and Institutions Code § 15630):

- (a) Has observed or has knowledge of an incident that reasonably appears to be adult abuse.
- (b) Is told by an elder or dependent adult of abuse.
- (c) Reasonably suspects abuse.

For purposes of defining adult abuse, a dependent adult is an individual, between 18 and 64 years of age, who has physical or mental limitations that restrict his/her ability to carry out normal activities or to protect his/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. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Welfare and Institutions Code § 15610.23).

For purposes of notification, abuse is physical abuse, abandonment, abduction, isolation, financial abuse or neglect. Physical abuse includes any assault or sex crime (Welfare and Institutions Code § 15610.63). Financial abuse includes taking personal or real property by undue influence or intent to defraud (Welfare and Institutions Code § 15610.30).

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327.3.1 NOTIFICATION PROCEDURE

Notification should occur by telephone or through a confidential Internet reporting tool as soon as practicable. If notification is by telephone, a written report or Internet report shall be sent within two working days as provided in Welfare and Institutions Code § 15630(b).

Notification should include (Welfare and Institutions Code § 15630(e)):

- Name of the person making the report.
- Victim's name and age.
- Current location of the victim.
- Names and addresses of family members or any other adult responsible for the elder's or vulnerable adult's care.
- Nature and extent of the condition of the elder or dependent adult.
- Date of the incident.
- Any other information requested, including information that led to suspect elder or dependent adult abuse.

Failure to report an incident of known or reasonably suspected adult abuse by a mandated reporter is a misdemeanor and may also result in discipline (Welfare and Institutions Code § 15630(h)).

327.3.2 LONG-TERM CARE FACILITY NOTIFICATION

If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made to law enforcement immediately and written reports shall be made to the local ombudsman, the corresponding licensing agency and law enforcement as required (Welfare and Institutions Code § 15630(b)(1)).

327.3.3 STATE MENTAL HOSPITAL OR DEVELOPMENTAL CENTER NOTIFICATION

If the abuse occurred in a state mental hospital or a state developmental center, notification shall be made immediately to law enforcement.

If the abuse occurred in a state mental hospital or a state developmental center and resulted in any of the following incidents, notification shall also be made to the designated investigators of the State Department of State Hospitals or the State Department of Developmental Services (Welfare and Institutions Code § 15630(b)(1)(E)):

- (a) Death
- (b) Sexual assault as defined by Welfare and Institutions Code § 15610.63
- (c) An assault with a deadly weapon by a nonresident
- (d) An assault with force likely to produce great bodily injury (as described by Penal Code § 245)
- (e) An injury to the genitals when the cause of the injury is undetermined
- (f) A broken bone when the cause of the break is undetermined

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327.4 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records and Public Records Act Policy (Welfare and Institutions Code § 15633).

Requests for information about an incident referred to law enforcement should be referred to the law enforcement agency.