
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: June 10, 2015

Policy No.: A-0209

Registry: Adult Protective Services (APS)

Purpose	To provide guidelines for assessing elder and dependent adult abuse allegations to determine screening eligibility, jurisdiction, intervention needs, and priority response level outcomes.
Approved	This policy was approved by Gary Taylor, Director of CFS, and Wendy Aquin, Director of ASAP, on June 10, 2015. <i>Signatures on file.</i>
Most Recent Revision	New.
Background	<p>Senate Bill (SB) 2199 (Chapter 946, Statutes of 1998) amended the Elder Abuse and Dependent Adult Civil Protection Act and required that county Adult Protective Services (APS) agencies provide a program of services to maintain the safety of elders and dependent adults in their home and community. This legislation mandated that APS agencies:</p> <ul style="list-style-type: none">• Establish a centralized APS Registry to receive and respond to reports of elder and dependent adult abuse, 24 hours per day, seven days per week• Maintain an inventory of available community agencies to provide resources for elder and dependent adult victims of abuse• Establish multidisciplinary teams to develop interagency treatment strategies <p>Pursuant to Welfare and Institutions Code (WIC) Section (§) 15636, the protective services offered by APS can be refused or withdrawn by any victim of elder or dependent adult abuse</p>

unless a penal code violation has occurred. If the victim is incapacitated and cannot give or deny consent, a petition for temporary conservatorship or guardianship may be initiated.

The Registry operates under the direction of Children and Family Services (CFS). Registry staff accept and assess reports alleging both child abuse and neglect and also elder and dependent adult abuse.

As it pertains to this policy, Registry staff assess reports alleging elder and dependent adult abuse to determine screening eligibility, jurisdiction, intervention needs, and provide a response level outcome based on the Structured Decision Making (SDM) for Adult Protective Services (APS) tool.

In addition, Registry staff maintain a countywide index of elder and dependent adult abuse reports, educate mandated reporters who call the Registry, on reporting responsibilities, and provide resource information to reporting parties.

Definitions

For purposes of this Policy and Procedure (P&P), the following apply:

Abuse of an Elder or Dependent Adult: Pursuant to WIC § 15610.07, includes any of the following:

- Physical abuse (includes sexual assault)
- Neglect (includes self neglect)
- Financial abuse
- Abandonment
- Isolation
- Abduction
- Any treatment resulting in physical harm, pain or mental suffering
- The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering

Refer to the “Legal Mandates” section of this policy for detailed definitions of each category.

Adult Protective Services: Preventative and remedial activities performed on behalf of elder and dependent adults who, pursuant to WIC § 15610.10, are under any of the following circumstances:

- Are unable to protect their own interests
- Are harmed or threatened with harm
- Suffer physical or mental injury due to the action or inaction of another person or their own action as a result of ignorance, illiteracy, incompetence, mental limitation, substance abuse, or poor health
- Lack adequate food, shelter, or clothing
- Are exploited of their income and resources
- Are deprived of entitlement due them

Client (victim): Any person who meets the legal definition of an elder or dependent adult and has been abused or neglected as defined in WIC § 15610.07.

Cross Report: Notifying a public agency with jurisdiction to investigate elder or dependent adult abuse that a report was received.

Dependent Adult: includes any person residing in this state, between the ages of 18 and 64 who:

- Pursuant to WIC § 15610.23(a), 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 with age
- Pursuant to WIC § 15610.23(b) is admitted as an inpatient to a 24-hour health facility as defined in Health and Safety Code §§ 1250, 1250.2 and 1250.3

Elder: Pursuant to WIC § 15610.27, includes any person residing in this state who is 65 years of age or older.

Imminent Danger: Pursuant to WIC § 15610.39, means a substantial probability exists that an elder or dependent adult is in imminent or immediate risk of death or serious physical harm, through either his or her own action or inaction, or as a result of the action or inaction of another person.

Jurisdiction: Legal authority to investigate reports of alleged elder and dependent adult abuse.

Mandated Reporter: Any person who, as defined in WIC § 15630, is required to report knowledge or reasonable suspicion of elder or dependent adult abuse. Refer to WIC § 15630 for a list of mandated reporters.

Mandated Reporter of Financial Abuse: Pursuant to WIC § 15630.1, includes all officers and employees of financial institutions.

Referral: Providing advisement to the reporting party (RP) of the appropriate public agency to contact when Orange County (OC) APS does not have jurisdiction to investigate a report of elder or dependent adult abuse.

Reporting Party (RP): Any person who contacts the APS Registry to report suspected elder or dependent adult abuse.

POLICY

Taking Reports

Per Children and Family Services (CFS) policy, Registry staff will provide initial intake and assessment of elder and dependent adult abuse reports received by any of the following means:

- Telephone
- Fax
- Mail
- Social Services (SSA) email (*Access OC*)
- In person (e.g., walk-ins)

Per Welfare and Institutions Code (WIC) §15600(i), Registry staff will receive and assess reports of suspected abuse or neglect of an elder or dependent adult from any mandated or non-mandated reporter.

The Registry Senior Social Worker (SSW) will gather known demographic information and details regarding the alleged elder or dependent adult abuse incident for the required State of California (SOC) form as outlined in WIC § 15658(b). Refer to Policy section “Report Documentation” for further guidelines.

The Registry SSW will assess reports of elder and dependent adult abuse for the following:

- Screening eligibility
- Jurisdiction
- Referral requirements
- Cross reporting requirements
- Intervention needs
- Response priority level

Report Documentation

Reports of elder and dependent adult abuse are documented in the Assessment, Intervention, Management (AIM) web database system.

Per California Department of Social Services (CDSS) APS Manual of Policies and Procedures (MPP) Division 33-510.1, reports of elder and dependent adult abuse are documented on the following forms, as appropriate:

- *Report of Suspected Dependent Adult/Elder Abuse (SOC 341)*
- *Report of Suspected Dependent Adult/Elder Financial Abuse (SOC 342)*

These forms are automatically generated after the report information has been entered into the AIM data fields.

Per CFS policy, the Registry SSW will complete the following for reports that meet screen-in criteria:

- Enter report information in AIM including abuse allegations, and demographics for client, alleged abuser, and reporting party (RP)
- Document the Structured Decision Making (SDM) for APS response level outcome in the AIM narrative
- Submit the appropriate SOC hard copy form to the APS Registry Officer of the Day (OD) Senior Social Services Supervisor (SSSS) for review and approval

The above will be completed on the same day that the information is taken unless a delay is approved by the Registry OD SSSS.

Reports that do not meet screen-in criteria are entered into AIM as "Information and Referral (I&R)". AIM does not generate a SOC form for these reports.

Structured Decision Making (SDM) for APS

Per CFS policy, the Registry SSW will utilize:

- *SDM Abuse Screening Criteria* tool to determine screening eligibility, type of allegation and screening decision
- *SDM Response Priority Assessment* tool to provide the response level outcome

An SDM policy override may be utilized, upon consultation with the Registry OD SSSS, to change a screening decision and/or response time for best practice considerations or as outlined in the SDM manual.

Refer to the [Structured Decision Making \(SDM\) System for Adult Protective Services](#) manual for further guidelines.

Jurisdiction and Referral

Per guidelines set forth in CDSS APS MPP Division 33-505.1, the Registry SSW will evaluate reports of suspected elder or dependent adult abuse to determine jurisdiction.

The Registry SSW will determine whether:

- The client (victim) meets the definition of an elder or dependent adult, pursuant to WIC §§ 15610.23 and 15610.27
- The report meets the definition of elder or dependent adult abuse, pursuant to WIC § 15610.07
- The alleged abuse occurred in Orange County (OC)
- APS has jurisdiction to investigate, pursuant to WIC § 15650

Reports that meet the above criteria are within the jurisdiction of OC APS and will be screened in for further assessment.

Per California Department of Social Services (CDSS) APS Manual of Policies and Procedures (MPP) Division 33 § 405.4–405.421, the Registry SSW will **refer** the RP to the appropriate agency for abuse reports that are not within APS jurisdiction.

If the Registry SSW deems that a mandated or non-mandated RP will not follow through on the referral, the Registry SSW may take the report information and forward it to the appropriate agency by telephone or fax as soon as possible (e.g., the caller is an employee of a long-term care facility and is afraid to report the observed abuse).

Note: Per CDSS APS MPP Division 33-405.2, APS is not precluded from investigating in conjunction with another public agency when specific allegations fall within the jurisdiction of APS (e.g., client who resides at a long-term care facility was sexually molested by facility personnel. Client also suffered severe dehydration during a recent home visit due to family members withholding food and liquids. Sexual abuse allegation is investigated by the Long-Term Care Ombudsman [LTCO] and neglect is investigated by APS).

Refer to CDSS APS MPP Division 33 § 400 for further information.

Cross Reporting

Per CDSS APS MPP Division 33 § 515, designated APS staff will cross report by telephone or fax, as soon as possible, known or suspected allegations of elder or dependent adult abuse to any public agency given jurisdiction pursuant to CDSS APS MPP Division 33 § 405, including the following:

A. **Law Enforcement:**

Pursuant to WIC § 15640(a)(1), designated APS staff will, immediately or as soon as possible, cross report any known or suspected instance of criminal activity related to elder or dependent adult abuse to the appropriate law enforcement agency.

Allegations of financial abuse are not cross reported to law enforcement unless an APS investigation determines there is reasonable suspicion of criminal activity.

B. **Professional Licensing Agencies:**

Pursuant to WIC § 15640(b), if APS receives a report of elder or dependent adult abuse and, upon investigation, determines that the alleged abuser is a health practitioner licensed under the Business and Professions Code Division 2 (commencing with section 500) or any related statute, designated APS staff will immediately, or as soon as possible, cross report to the appropriate licensing agency.

Cross reporting to the appropriate licensing agency does not relieve APS of the responsibility to continue its own investigation.

Designated APS staff will send the appropriate agency a written copy of the known or suspected elder or dependent adult abuse

report within two working days of completing the telephone or faxed cross report.

Refer to CDSS APS MPP Division 33 § 515 for further information.

Report Response Options

Upon completion of the intake process, the Registry SSW will assess reports to provide a response level outcome based on the SDM tool consistent with this policy.

Reports of elder or dependent adult abuse within OC APS jurisdiction that meet SDM screen-in criteria will be assigned to one of the following response options:

- Level 1—Immediate Response (IR): Pursuant to WIC § 15763(b)(1), a report will be assigned as an immediate, in-person response if any of the following apply:
 - The elder or dependent adult is in imminent danger, as defined in WIC § 15610.39
 - There is a crisis situation in an existing case
 - Local law enforcement requests immediate assistance
- Level 2—Ten Day Response (10-Day): Pursuant to WIC § 15763(b)(1), a report will be assigned as a 10-Day in-person response if the elder or dependent adult is not in imminent danger, as defined in WIC § 15610.39
- Level 3—No 10-day response (NTD): Per All County Letter (ACL) 03-07 and ACL 13-22, NTD reports may receive telephone intervention only if one or more mitigating factors below indicate that an in-person response is not required to protect the health and safety of the elder or dependent adult:
 - Another agency/resource is providing intervention
 - Protection issue has been resolved
 - Client has been placed in a permanent facility
 - Report received from non-credible source
 - Report did not involve protective issue

Per ACL 03-07, the Registry SSW will open a client case in AIM for NTD reports.

Note: These reports will be processed as 10-Day responses and forwarded to the APS SSSS for further assessment , approval, and documentation.

Per CFS policy, reports under any of the following circumstances do not meet criteria for an in-person response by OC APS and will be documented as:

A. **Information and Referral (I&R):**

- The victim does not meet the definition of an elder or dependent adult pursuant to WIC §§ 15610.23 and 15610.27
- The report does not meet the definition of elder or dependent adult abuse pursuant to WIC § 15610.07

Note: The Registry SSW will provide resource information to the RP as deemed appropriate for I&R reports.

B. **No In-Person Response (NIR):** (**Note:** Per ACL 13-22, an in-person response is not required under any of the following circumstances)

- Inadequate information to locate the elder or dependent adult
- Elder or dependent adult has moved out of the state or county
- Elder or dependent adult is deceased and no other elder or dependent adults are at risk
- Duplicate of existing report or previously resolved case
- Report is outside of APS jurisdiction per CDSS APS MPP 33-405
- Report did not meet APS eligibility criteria per CDSS APS MPP 33-115

Confidentiality

Per WIC §§ 15633–15633.5, all reports of suspected elder and dependent adult abuse including the RP’s identifying information are confidential. Release of information contained in the client’s records is permissible only within specific guidelines.

Note: The RP’s identifying information includes not only the RP’s name but also other identifying information, such as the RP’s occupation, title, or use of pronouns (e.g., he or she).

Any violation of confidentiality is a misdemeanor and punishable by law.

Consultation

Per CFS policy, the Registry SSW will consult with the APS OD SSSS for any of the following:

- Physical abuse (i.e., significant injury, visible bruises, abrasions)
- Sexual assault
- Neglect (e.g., decubitus ulcers)
- Self neglect (e.g., no food or access to food, risk of homelessness, suicidal/homicidal ideation, significant injuries caused by lack of self care)
- SDM policy override decisions
- SDM Immediate responses

SSSS Review and Approval

Per CFS policy, the Registry OD SSSS will complete the following prior to approving the report in AIM:

- Review report and confirm that all relevant information has been gathered and accurately documented
- Ensure the SDM tools have been completed
- Ensure the report disposition is congruent with the information contained in the SDM assessment
- Provide prompt notice to the APS SSSS OD of any IR reports

Upon completion of Registry SSSS review and approval, reports will be forwarded, in a timely manner, to the APS SSSSs via AIM for further intervention assessment.

REFERENCES

Attachments and CWS/CMS Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

Not applicable.

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on the link provided.

- [Structured Decision Making \(SDM\) System for Adult Protective Services](#)

Other Sources

Other printed references include the following:

None.

FORMS

Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

	Form Name	Form Number
None.		

Hard Copy Forms

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. ***For reference purposes only***, links are provided to view these hard copy forms, where available.

	Form Name	Form Number
None		

SOC Forms

For reference purposes only, links are provided to view these forms.

	Form Name	Form Number
	Report of Suspected Dependent Adult/Elder Abuse	SOC 341
	Report of Suspected Dependent Adult/Elder Financial Abuse	SOC 342

Brochures

Brochures to distribute in conjunction with this policy may include:

	Brochure Name	Brochure Number
None.		

LEGAL MANDATES

[Welfare and Institutions Code \(WIC\) Section \(§\) 15600\(i\)](#) mandates Adult Protective Services (APS) will receive reports of elder and dependent adult abuse from any mandated or non-mandated reporter.

[WIC § 15610.05](#) provides the definition of “abandonment.”

[WIC § 15610.06](#) provides the definition of “abduction.”

[WIC § 15610.07](#) provides the definition of “abuse of an elder or dependent adult.”

[WIC § 15610.10](#) provides the definition of “adult protective services.”

[WIC § 15610.17](#) provides the definition of “care custodian.”

[WIC § 15610.19](#) provides the definition of “clergy member.”

[WIC § 15610.23](#) provides the definition of “dependent adult.”

[WIC § 15610.27](#) provides the definition of “elder.”

[WIC § 15610.30](#) provides the definition of “financial abuse.”

[WIC § 15610.35](#) provides the definition of “goods and services necessary to avoid physical harm or mental suffering” to elder or dependent adults.

[WIC § 15610.37](#) provides the definition of “health practitioner.”

[WIC § 15610.39](#) provides the definition of “imminent danger.”

[WIC § 15610.43](#) provides the definition of “isolation.”

[WIC § 15610.45](#) provides the definition of “local law enforcement.”

[WIC § 15610.47](#) provides the definition of “long term care facility.”

[WIC § 15610.57](#) provides the definition of “neglect.”

[WIC § 15610.63](#) provides the definition of “physical abuse.”

[WIC § 15630](#) defines mandated reporter, provides guidelines for reporting elder or dependent adult abuse and outlines legal ramifications for failing to report.

[WIC §15630.1](#) specifies that all officers and employees of financial institutions are mandated reporters of financial abuse.

[WIC §§ 15633](#) and [15633.5](#) specifies that all reports of elder and dependent adult abuse are confidential except under certain guidelines and that violation of confidentiality is punishable by law.

[WIC § 15636](#) specifies that any victim of elder or dependent adult abuse may refuse the protective services offered by APS.

[WIC § 15640\(a\)\(1\)](#) outlines APS cross reporting responsibilities to law enforcement when a report of elder or dependent adult abuse is received.

[WIC § 15640\(b\)](#) outlines APS cross reporting responsibilities to professional licensing agencies when a report of elder or dependent adult abuse is received.

[WIC § 15650](#) outlines jurisdictional parameters for investigation of elder and dependent adult abuse.

[WIC § 15658\(b\)](#) specifies information to be obtained from the reporting party for initial intake of elder and dependent adult abuse reports.

[WIC § 15763\(b\)\(1\)](#) outlines timeframes for responding to reports of elder and dependent adult abuse.

[All County Letter \(ACL\) 99-53](#) (and [Errata](#)) provides operational instructions for the 24-hour response system, defines the scope of APS, clarifies cross reporting requirements, and provides instructions on the provision of emergency shelter and in-home protection.

[ACL 00-16](#) provides guidelines to determine agency jurisdiction and cross-reporting and referral responsibilities for reports of elder and dependent adult abuse. This ACL is a supplement to [ACL 99-16](#) and [ACL 99-53](#) (and [Errata](#)).

[ACL 03-07](#) (and [Errata](#)) provides criteria for determining that an immediate or 10-day response is not necessary to protect the health and safety of elder and dependent adults.

[ACL 06-59](#) provides guidelines for the utilization of form *Report of Suspected Dependent Adult/Elder Financial Abuse State of California (SOC 342)* and addresses revisions to form *Report of Suspected Dependent Adult/Elder Abuse (SOC 341)*.

[ACL 13-22](#) outlines revisions made to form SOC 242.

[Health and Safety Code §§ 1250, 1250.2 and 1250.3](#) define the term “health facility” and categorizes types of facilities within this definition.

[Business and Professions Code Division 2](#) (commencing with section 500) provides the definition of “health care practitioner.”

[California Department of Social Services \(CDSS\) APS Manual of Policies and Procedures \(MPP\) Division 33 § 400](#) provides guidelines to determine jurisdictional parameters for investigating elder and dependent adult abuse.

[CDSS APS MPP Division 33 § 405.2](#) outlines response procedures for shared jurisdiction.

[CDSS APS MPP Division 33 § 405.4—405.421](#) provides guidelines for referring elder and dependent adult abuse reports to the agency with jurisdiction to investigate.

[CDSS APS MPP Division 33 § 505.1](#) directs APS to make eligibility and jurisdiction determinations upon receiving an elder or dependent adult abuse report.

[CDSS APS MPP Division 33 § 510.1](#) directs APS to document elder and dependent adult abuse on form SOC 341.

[CDSS APS MPP Division 33 § 515](#) provides guidelines for cross reporting elder and dependent adult abuse.