

Adult Abuse, Neglect, and Exploitation

Guide for Professionals



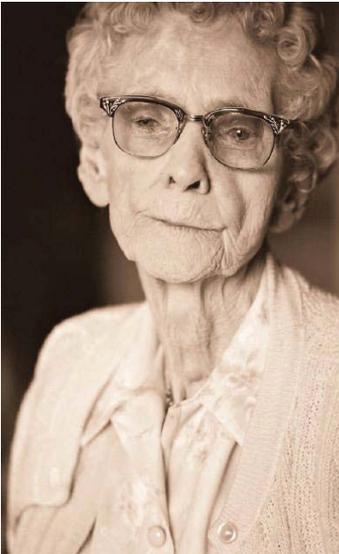
Contents

Adult Protective Services.....	3
Mandatory Reporting of Abuse, Neglect, and Exploitation.....	4
Preparation for Making the Report.....	5
Penalties.....	6
Indicators of Abuse, Neglect, and Exploitation.....	7
High Risk Circumstances of Abuse, Neglect, and Exploitation.....	11
Barriers to Identification of Abuse and Neglect.....	12
The Protective Investigation.....	12
Definitions.....	14

ADULT PROTECTIVE SERVICES

The Legislature recognizes that there are many people in Florida who, because of age or disability, are in need of protective services. It is the intent of the Legislature to provide for the detection and correction of abuse, neglect, and exploitation through social service and criminal investigations, and to establish a program of protective services for adults with disabilities or elderly persons in need of them, c. 415.101, Florida Statutes.

The Adult Protective Services Program is a system of specialized social services directed toward assisting vulnerable adults who are unable to manage their own affairs, carry out activities of daily living, or protect themselves. Assessment of an individual's need for protective services is initiated in response to a reported allegation of abuse, neglect, or exploitation. The four components of Adult Protective Services include the following:



- On-site investigation of reports of alleged abuse, neglect or exploitation;
- Determination of immediate risk of the victim and provision of necessary emergency services;
- Evaluation of the need for ongoing protective supervision; and
- Provision of ongoing protective services.

MANDATORY REPORTING OF ABUSE, NEGLECT, AND EXPLOITATION

Section 415.1034, Florida Statutes, mandates any person who knows or has reasonable cause to suspect that a vulnerable adult is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the Florida Abuse Hotline. The statewide toll-free telephone number is **1-800-96-ABUSE (1-800-962-2873)**.

Florida law further specifies **professional mandated reporters** as including, but not limited to, the following:

- Physician, osteopathic physician, medical examiner, chiropractic physician, nurse, paramedic, emergency medical technician, or hospital personnel engaged in the admission, examination, care or treatment of vulnerable adults;
- Health professional or mental health professional other than one listed above;
- Practitioner who relies solely on spiritual means for healing;
- Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;
- State, county, or municipal criminal justice employee or law enforcement officer;
- An employee of the Department of Business and Professional Regulation conducting inspections of public lodging establishments;
- Florida advocacy council member or long-term care ombudsman council member;
- Bank, savings and loan, or credit union officer, trustee, or employee.

PREPARATION FOR MAKING THE REPORT

When calling the Florida Abuse Hotline, be prepared to provide the following information:

- Victim's name, address or location, approximate age, race and sex;
- Physical, mental or behavioral indications that the person is infirmed or disabled;
- Signs or indication of harm or injury or potential harm or injury (physical description or behavioral changes);
- Relationship of the alleged person responsible to the victim, if possible. If the relationship is unknown, a report will still be taken if other reporting criteria are met.

The information obtained from interviews and other sources will be used to assess the risk to the victim and determine findings. All information gathered in an investigation is confidential and can be used as evidence in any subsequent court proceedings. The Department is required by law to notify the state attorney and law enforcement on reports of abuse, neglect, or exploitation.

PENALTIES

A person required by c. 415.103, Florida Statutes, to report a case of known or suspected abuse, neglect, or exploitation of a vulnerable adult, and who knowingly and willfully fails to do so or who knowingly and willfully prevents another person from doing so, commits a misdemeanor of the second degree, punishable as provided in c. 775.082 or c. 775.083, Florida Statutes.

A person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry and tracking system, in other computer systems, or in the records of any case of abuse, neglect, or exploitation of a vulnerable adult, except as provided in s. 415.101-113, Florida Statutes, commits a misdemeanor of the second degree, punishable as provided in c. 775.082 or c. 775.083, Florida Statutes.

A person who knowingly and willfully makes a false report or who advises another to make a false report commits a felony of the third degree, punishable as provided in c. 775.082 or c. 775.083, Florida Statutes.

Section 825.012, 103, Florida Statutes, provides additional criminal penalties.



INDICATORS OF ABUSE, NEGLECT, AND EXPLOITATION

Physical Indicators

1. **UNEXPLAINED BRUISES OR WELTS:**

- On face, lips, mouth, torso, back, buttocks, thigh in various stages of healing
- Reflecting shape of article used to inflict (electric cord or belt buckle) in several different surface areas

2. **UNEXPLAINED FRACTURES:**

- To skull, nose, facial structure, in various stages of healing
- Multiple or spiral fractures

3. **UNEXPLAINED BURNS:**

- Cigar, cigarette burns, especially on palms, legs, arms, back or soles of feet
- Immersion burns (socklike, glovelike, doughnut-shaped on buttocks)
- Patterned like objects (electric burner, etc.)

4. **UNEXPLAINED LACERATIONS:**

- Mouth, lips, gums, eye or to external genitalia

5. **SEXUAL ABUSE:**

- Difficulty in walking/sitting
- Torn, shredded or bloody undergarments
- Bruises or bleeding in external genitalia, vaginal or anal areas
- Venereal disease
- Pregnancy

6. OTHER:

- Severe or constant pain
- Obvious illness which requires medical or dental attention
- Emaciated (so that individual can hardly move or so thin bones protrude)
- Unusual lumps, bumps or protrusions under the skin
- Hair thin as though pulled out, bald spots
- Scars
- Lack of clothing
- Same clothing all of the time
- Fleas, lice on individual
- Rash, impetigo, eczema
- Unkempt, dirty
- Hair matted, tangled or uncombed



Environmental Indicators

1. HOUSE :

- Garbage thrown about yard and house, high weeds and overgrown yard
- Hazardous living conditions due to lack of repairs, utilities and/or equipment
- Human and/or animal excrement on floors and furniture
- Evidence of obvious fire hazards, such as piles of boxes, newspapers, old clothes, unvented gas heaters and blocked exits
- Large number of animals lacking care

2. FOOD AND CLOTHING:

- Little or no food in the house
- Food is spoiled or lying around
- Insufficient clothing for the weather

3. SOCIAL DEPRIVATIONS:

- No evidence of social visits, television, radio, books or any kind of social, mental, or emotional stimulation
- House is physically isolated from community
- Lack of friends of a similar age and/or interests
- Attempt by caregiver to isolate the individual from others

4. FINANCIAL:

- Little or no money available until the next check arrives
- Activity in bank accounts that is inappropriate to the aged person or disabled adult (e.g., withdrawals from automated bank machines when the person cannot walk or get to the bank)
- Power of attorney given when the individual is unable to comprehend the financial situation
- Recent will when the individual is clearly incapable of making a will
- Lack of amenities (e.g., television, personal grooming items, appropriate clothing when the estate can well afford such items), personal belongings missing (includes art, silverware, jewelry)

Behavioral Indicators

1. DESTRUCTIVE BEHAVIOR OF VICTIM:

- Assaults others
- Destroys belongings of others or themselves
- Threatens self-harm or suicide
- Inappropriately displays rage in public
- Steals without an apparent need for the things stolen
- Recent or sudden changes in behavior or attitudes

2. OTHER BEHAVIOR OF VICTIM:

- Afraid of being alone
- Suspicious of other people and extremely afraid others will harm them
- Shows symptoms of withdrawal, severe hopelessness, helplessness
- Constantly moves from place to place
- Frightened of caregiver
- Overly quiet, passive, timid
- Denial of problems

3. BEHAVIOR OF FAMILY OR CAREGIVER

- Marital or family discord
- Striking, shoving, beating, name-calling, scapegoating
- Hostile, secretive, frustrated, shows little concern, poor self-control, blames adult, impatient, irresponsible
- Denial of problems
- Recent family crisis
- Inability to handle stress
- Recent loss of spouse, family member, or close friend
- Alcohol abuse or drug use by family
- Withholds food, medication
- Isolates individual from others in the household
- Lack of physical, facial, eye contact with individual
- Changes doctor frequently without specific cause
- Past history of similar incidents
- Resentment, jealousy
- Unrealistic expectations of individual



HIGH RISK CIRCUMSTANCES FOR ABUSE, NEGLECT, AND EXPLOITATION

- A vulnerable adult is becoming weak and dependent.
- A vulnerable adult is living with family where there are crises.
- Elderly children are caring for elderly parents or elderly spouse is caring for disabled partner.
- There are no witnesses.
- A vulnerable adult is incontinent.
- Adult children are supporting both ends of life cycle, financially, physically, and emotionally.
- The living situation is overcrowded.
- There are unresolved relationship problems.
- Adult children are mentally ill, developmentally disabled or substance abusers.
- There is a desire for the person's inheritance.
- There is a family history of abuse.
- The vulnerable adult wasn't a nurturing parent.
- The vulnerable adult has always been demanding, selfish and hard to live with.
- The vulnerable adult prefers to die rather than lose independence and control.
- An adult child has moved back to the parent's home after a job loss and/or divorce.



BARRIERS TO IDENTIFICATION OF ABUSE AND NEGLECT

- The victim refuses to acknowledge the problem.
- The victim feels too embarrassed or guilty.
- The victim is unaware of other options.
- The victim fears that the solution to the problem is more negative or frightening than the problem.
- The victim is fearful they will have to enter a nursing home.

THE PROTECTIVE INVESTIGATION

Chapter 415, Florida Statutes, requires the Department of Children and Families to conduct an investigation of all reports received that allege abuse, neglect, or exploitation of a vulnerable adult. The purpose of the investigation is to determine if there is evidence that an alleged victim has been abused, neglected, or exploited and if assistance is necessary to protect the individual's health and safety.

A protective investigator from the department will make face-to-face contact with the alleged victim within 24 hours of receiving an abuse, neglect or exploitation report. If any person refuses to allow the protective investigator access to the victim, law enforcement may be called to assist. Once access to the victim is obtained, the protective investigator will interview all persons who may have knowledge of the victim's situation, evaluate the information obtained, and make a decision as to whether the reported allegations did or did not occur.

As a part of the investigation, the protective investigator must assess the risk to the victim in the home or facility and take action to protect the victim from harm. To assess risk, the protective investigator considers the severity of the injury or harm to the victim, the physical and mental ability of the victim to protect themselves, the prior abuse history of the victim, the physical environment, and the likelihood that the victim will be harmed in the future.

When a victim is at risk and will not be safe in their present living arrangement, the protective investigator may place the victim in a more suitable living arrangement. Placement may be in the home of a relative or friend, or in an assisted living facility, adult family-care home or a nursing home. A victim who is capable of making their own decisions must request or consent to placement in order for placement to occur. A victim who is not capable of making this decision may be removed and placed in a safer environment by the protective investigator. Any time a victim who is not capable of making a decision is removed and placed, the court must review the reasons for the placement and decide if continued placement is necessary. The protective investigator must petition the court for a hearing within 24 hours of the victim's removal from the home (excluding Saturdays, Sundays and legal holidays). The victim of a report, the victim's spouse, guardian, legal counsel, adult children and next of kin have the right to be present at any hearing.



DEFINITIONS

(c. 415 Florida Statutes)

Abuse

Any willful act or threatened act by a relative, caregiver, or household member which causes or is likely to cause significant impairment to a vulnerable adult's physical, mental, or emotional health. Abuse includes acts and omissions.

Capacity To Consent

A vulnerable adult has sufficient understanding to make or communicate responsible decisions regarding his/her person or property, including whether or not to accept Protective Services.

Exploitation

A person who stands in a position of trust and confidence with a vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, a vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive a vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

OR

That a person who knows or should know that the vulnerable adult lacks the capacity to consent, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the funds, assets, or property for the benefit of someone other than the vulnerable adult.

Neglect

Failure or omission on the part of the caregiver or vulnerable adult to provide the care, supervision, and services necessary to maintain the physical and mental health of a vulnerable adult, including but not limited to food, clothing, medicine, shelter, supervision and medical services, which a prudent person would consider essential for the well being of a vulnerable adult. The term “neglect” also means the failure of a caregiver or vulnerable adult to make a reasonable effort to protect a vulnerable adult from abuse, neglect or exploitation by others. “Neglect” is repeated conduct or a single incident of carelessness, which produces or could reasonably be expected to result in serious physical or psychological injury, or a substantial risk of death.

Sexual Abuse

Acts of a sexual nature committed in the presence of a vulnerable adult without that person’s informed consent. Sexual abuse includes, but is not limited to the acts defined in s. 794.011(1)(h), Florida Statutes, fondling, exposure of a vulnerable adult’s sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. Sexual abuse does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

Vulnerable Adult

A person 18 years of age or older, whose ability to perform the normal activities of daily living, or to provide for his or her own care or protection is impaired due to a mental, emotional, long term physical, or developmental disability or dysfunction, or brain damage, or the infirmities of aging.

Vulnerable Adult In Need of Services

An adult who has been determined by a protective investigator to be suffering from the ill effects of neglect not caused by a second party perpetrator, and is in need of protective services or other services to prevent further harm.

To report abuse, neglect, or exploitation of
a vulnerable adult, call:

Florida Abuse Hotline

**1-800-96-ABUSE
(1-800-962-2873)**

**TDD (Telephone Device for
the Deaf):**

1-800-453-5145

or fax:

1-800-914-0004

or make a report online:

<http://www.dcf.state.fl.us/abuse/report/index.asp>

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