



# Policy

## Zero Tolerance Policy for Client Abuse or Neglect

### **Scope:**

All of Alta California Regional Center's (ACRC) vendored service providers that provide direct services and supports (as defined by Welfare & Institutions Code (WIC) section 4512(b)) to individuals with developmental disabilities within ACRC's catchment area (clients), all long-term health care facilities serving ACRC's clients, and ACRC employees who are considered "mandatory reporters."

### **Definitions:**

**Abuse:** Actions that include physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment which results in physical harm, pain or mental suffering; or deprivation by a person providing care and supervision, of goods and services which are necessary to avoid physical harm or mental suffering.

**Physical Abuse:** Means the use or attempt to use force on the person of another, unreasonable physical constraint or prolonged or continual deprivation of food, water, or sexual abuse. It also means the use of isolation, physical or chemical restraint, or psychotropic medication without medical authorization for punishment.

**Mental Suffering:** Is defined as fear, agitation, confusion, severe depression or other forms of emotional distress that is brought about by threats, harassment or other forms of intimidating behavior.

**Neglect:** Is defined as the negligent failure of a person(s) having care or custody of a client to exercise a reasonable degree of care including, but not limited to, a failure to assist in personal hygiene and the provision of food, clothing, and shelter, or failure to provide medical care or protect the client from health and safety hazards.

### **Rationale:**

Alta California Regional Center has "zero tolerance" for client abuse or neglect. The health, safety, and security of all ACRC clients is a top priority for ACRC and client abuse committed by ACRC employees or employees of service providers or long-term care facilities will not be tolerated. All such abuse or allegations of such abuse will be thoroughly investigated. Any ACRC employee found to have engaged in abuse against a

client will be subject to severe discipline, up to and including discharge. Any abuse found to have been committed by a service provider or long term care facility employee will be referred to the appropriate authorities and the service provider may also be subject to sanctions up to and including removal from the list of those authorized to provide services for regional center clients.

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

- Educating all mandated reporters about their legal obligation to report adult and child abuse (client abuse).
- Requiring mandated reporters to fully comply with the adult and child reporting laws (reporting laws).
- Providing information to assist mandated reporters in reporting client abuse to the proper authorities.

### **Procedural Steps:**

All ACRC employees who are "mandated reporters" pursuant to the California Penal Code and all employees of service providers and long-term health care facilities who are mandated reporters shall strictly comply with the reporting laws at all times. A mandated reporter must (unless exempt under law) report all client abuse to the applicable governmental authorities immediately or as soon as practicable after his or her discovery or reasonable belief that client abuse has occurred.

ACRC and all ACRC service providers and long term health care facilities serving ACRC clients shall ensure their employees are fully informed upon hire and annually thereafter regarding ACRC on Client Abuse and Neglect and the mandatory abuse and neglect reporting laws. Each employee must be knowledgeable of their responsibility to protect clients from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law and enforce this policy.

If ACRC or a ACRC service provider or long-term health care facility becomes aware of client abuse, it shall take immediate action, to the extent permitted by law, to ensure the health and safety of the affected client and all other clients receiving services and supports from ACRC. This obligation is in addition to those obligations required of mandated reporters to report client abuse under the reporting laws.

### **How to Report Adult Abuse Under the Adult Reporting Law**

- When a mandated reporter is required to report adult abuse, the mandated reporter shall immediately, or as soon as practicably possible, submit such report to the county adult protective services agency (APS) or the local law enforcement agency. The mandated reporter shall submit either a Internet Report, Telephonic Report, or a Written Report.
  - Internet Report: To report suspected adult abuse to APS via the Internet, the mandated reporter should complete a confidential Internet report. Please see the link below for this report.
  - 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 client is located. Please see the link below titled "Adult Protective Services (APS) County Contact Information." Within two working days after the

mandated reporter submits a telephonic report, the mandated reporter shall submit either the Internet report or the written report.

- Written Report: To report suspected adult abuse to APS in writing, the mandated reporter should file a report on California Department of Social Services (DPSS) Form SOC 341 (entitled, "Report of Suspected Dependent Adult/Elder Abuse"). Please see the link below for this report.
- Special Rules for a Client in a Long-Term Care Facility. If adult abuse occurs in a long-term care facility (as defined by the reporting law), the mandated reporter shall submit both a telephonic report and a written report (on DSS Form SOC 341) to the local ombudsman or the local law enforcement agency. Further, if a client has suffered physical abuse in a long-term care facility, then the mandated reporter shall also report such abuse to the entities described in WIC sections 15630(b)(1)(A)(i) or (ii), as applicable.

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

- Recipient of Report. Mandated reporters shall make reports of suspected child abuse to:
  - Any police department or sheriff's department (not including a school district police or security department),
  - A county probation department, if designated by the county to receive mandated reports, or
  - The county welfare department.
- Methods of Reporting
  - 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. Please see the link below for the California County Emergency Response Child Abuse Reporting Telephone Numbers.
  - 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. Please see the link below for this form.

### **Links:**

Welfare and Institutions Code Section 4512(b)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=04001-05000&file=4500-4519.7>

Form: Report of Suspected Dependent Adult/Elder Abuse

<http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/SOC341.pdf>

Adult Protective Services (APS) County Contact Information

<http://www.cdss.ca.gov/agedblinddisabled/PAGE2300.htm>

Form: Suspected Child Abuse Report

[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)

California County Emergency Response Child Abuse Reporting Telephone Numbers

<http://www.childsworld.ca.gov/res/pdf/CPSEmergNumbers.pdf>