ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: June 10, 2015 Policy No.: A-0209

Revised: December 12, 2024

Adult Protective Services (APS) Hotline

Purpose

To provide guidelines for assessing elder and dependent adult abuse and neglect allegations to determine screening eligibility, jurisdiction, level of risk, and priority response level outcomes.

Approved

This policy was approved by Jyothi Atluri, Director of CFS, and Gail Araujo, Director of Family Self-Sufficiency (FSS) and Adult Services (AS). *Signatures on file.*

Most Recent Revision

This Policy and Procedure (P&P) includes:

- Definition of homelessness
- Updated definitions for:
 - o Elder
 - Adult Protective Services
- Updated terminology including:
 - o Program name
 - LEAPS Aging and Adult Services Management System and tools
 - Removal of obsolete applications and tools
- Guidance for the LEAPS Intake and Assessment Tool (IST)
- Updated guidance for reports to the Long-Term Ombudsman Program
- Guidance per ACL 23-54 regarding CFS and APS information sharing for multidisciplinary teamwork pursuant to Welfare and Institutions Code (WIC) section (§) 10850 and WIC § 15633
- New: Attachment 1 Expanded Summary of Legal Definitions

Background

In California, legislation was enacted in 1983 to protect vulnerable elders and dependent adults from abuse and neglect.

Subsequent to the passage of Senate Bill (SB) 1210 in 1983, the Orange County Board of Supervisors designated the Social Services Agency as Orange County's Adult Protective Services (APS) agency establishing the Adult Protective Services Hotline to receive reports. The passage of Assembly Bill 238 in 1985 required the report of known or suspected abuse of dependent adults, in addition to elders.

SB 2199 (Chapter 946, Statutes of 1998) amended the Elder Abuse and Dependent Adult Civil Protection Act and required that county APS agencies provide a program of services to maintain the safety of elders and dependent adults in their homes and communities. This legislation mandated that APS agencies:

- Establish a centralized APS Hotline to receive and respond to reports of elder and dependent adult abuse and neglect, 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.

The passage of SB 1018 in 2005 required banks, savings and loan, and credit union employees to report financial abuse if the abuse becomes evident in their contacts with, or review of, an elder and/or dependent adult's financial matters.

As of 2013, the APS Hotline operates under the direction of Children and Family Services (CFS). Hotline staff screen reports alleging both:

- Child abuse and neglect
- Elder and dependent adult abuse and neglect

Per Welfare and Institutions Code (WIC) Section (§) 15600(i), APS Hotline screens reports of suspected abuse or neglect of elders and dependent adults.

APS Hotline staff assess reports alleging elder and dependent adult abuse and neglect to determine screen-in criteria (eligibility), jurisdiction, level of risk, and a recommended response level based on the LEAPS Intake and Screening Tool (IST).

In addition, the APS Hotline maintains a state-wide index of elder and dependent adult abuse and neglect reports. The LEAPS system is used to document reports regarding elder and dependent adults made to the APS Hotline.

Definitions

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

Abuse of an Elder or Dependent Adult: Pursuant to Welfare and Institutions Code (WIC) Section (§) 15610.07, any treatment resulting in physical harm, pain, or mental suffering, including but not limited to any of the following:

- Physical abuse includes sexual assault (WIC § 15610.63)
- Neglect includes-self-neglect (WIC § 15610.57)
- Financial abuse (WIC § 15610.30)
- Abandonment (WIC § 15610.05)
- Isolation (WIC § 15610.43)
- Abduction (WIC § 15610.06)
- Acts or statements causing mental suffering (WIC § 15610.53
- Treatment resulting in serious bodily injury (WIC § 15610.67)
- Undue influence (WIC § 15610.70)
- The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering (WIC § 15610.07[a][2]).

Refer to Attachment 1 — Expanded Summary of Legal Definitions for additional information.

Adult Protective Services (APS): Pursuant to WIC § 15610.10, APS is defined as activities performed on behalf of elders and dependent adults who have come to the attention of the adult protective services agency due to potential abuse or neglect.

Client: A person who meets the legal definition of an elder or dependent adult and who has been alleged to be mentally or physically abused, neglected, abandoned, isolated or abducted.

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

Dependent Adult: Includes any person residing in this state, between the ages of 18 and 59 years of age who:

- Pursuant to WIC § 15750, has physical or mental limitations that restrict their ability to carry out normal activities or to protect their 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 (HSC) sections (§§) 1250, 1250.2 and 1250.3.

Elder: Pursuant to WIC § 15750, includes any person residing in this state who is 60 years of age or older.

Homeless or At Risk of Homelessness: Pursuant to WIC § 15770(e), means a person who lacks a fixed or regular nighttime residence. This includes situations in which a person is in receipt of a judgment for eviction or has received a pay rent or quit notice.

For further information regarding the definition of homelessness refer to Attachment 1—Extended Summary of Legal Definitions.

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 their 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 and neglect as outlined in WIC § 15650.

Mandated Reporter: Any person who, as defined in WIC §§ 15630 and 15630.1 in their professional capacity, is required to report knowledge or reasonable suspicion of elder or dependent adult abuse.

Multidisciplinary Team (MDT): Per WIC § 15610.55, this means any team of two or more persons who are trained in the prevention, identification, management, or treatment of abuse of elderly or dependent adults and who are qualified to provide a broad range of services related to abuse of elderly or dependent adults.

APS and CFS may form MDTs for sharing information in circumstances that require intervention or prevention of abuse of children and elder or dependent adults.

Long-Term Care Ombudsman Program (a.k.a., Ombudsman): Operated by the Council on Aging. The Ombudsman investigates complaints of abuse and neglect made regarding individual residents in licensed facilities.

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): A person who contacts the APS Hotline to report suspected elder or dependent adult abuse pursuant to WIC § § 15630, 15630.1 and 15631.

RP's Personally Identifiable Information (PII): Information that can be used, alone or in conjunction with any other information, to identify a specific individual. PII includes not only the RP's name, but could also include the RP's employer, occupation, title, or use of pronouns (e.g., he or she), pursuant to SSA P&P Information Technology Security and Usage (I 6).

POLICY

Taking Reports

Per Children and Family Services (CFS) policy, APS Hotline staff will assess elder and dependent adult abuse reports and neglect from any Reporting Party (RP) received by:

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

Note: Reports that fall within the jurisdiction of the Long-Term Care Ombudsman (Ombudsman) will not be taken by telephone pursuant to WIC § 15640(a)(2) and CDSS APS MPP 33 § 405.42. These calls will be referred directly to the Ombudsman reporting line. When the reporting party declines to report to the Ombudsman, Hotline staff will complete the cross-report. Refer to the "Long-Term Care Ombudsman Program" (Ombudsman)² Policy sub-section for further guidelines. Refer to the policy section 'Jurisdiction and Referral' for additional information on jurisdictional considerations.

The APS Hotline Senior Social Worker (SSW) will gather known demographic information and details regarding the alleged elder or dependent adult abuse incident for documentation on the applicable System of Care (SOC) form, as outlined in WIC § 15658. Refer to the "Report Documentation" Policy section for further guidelines.

The APS Hotline SSW will assess reports of elder and dependent adult abuse and neglect for the following:

- Screen-in criteria (eligibility)
- Jurisdiction
- Level of risk
- Response priority level

When information regarding an elder or dependent adult is of an immediate life-threatening nature or an elder or dependent adult is in imminent danger, APS Hotline staff will take the report and direct the caller to:

- Contact law enforcement.
- Make a report to the Ombudsman when the elder and/or dependent adult resides in licensed facility.

Report Documentation

Reports of elder and dependent adult abuse and neglect will be completed on the same day that the information is taken unless a delay is approved by the APS Hotline On-Duty (OD) Senior Social Services Supervisor (SSSS). Reports of elder and dependent adult abuse will be documented in the LEAPS system.

The APS Hotline SSW will complete the following for reports that meet screen-in criteria:

- Enter report information in LEAPS including:
 - Details regarding abuse allegation
 - Demographics for:
 - Client
 - Alleged abuser
 - Reporting party (RP)
- Complete IST and document the response priority level
- Submit intake report (including IST) to the APS Hotline SSSS for review and approval (After business hours submit intake report to APS Assignment Desk).

If a report for investigation meets confidential case criteria the APS Hotline SSW will document the report meets criteria in the LEAPS Notes; inform the APS Hotline OD SSSS and the APS OD SSSS.

Per California Department of Social Services (CDSS) APS Manual of Policies and Procedures (MPP) Division 33-510.1 and WIC § 15658, reports of elder and dependent adult abuse will be documented on the following forms, as applicable:

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

These forms will be generated after the report information has been entered into LEAPS, as applicable based on information in the report.

Reports that do not meet screen-in criteria are entered into LEAPS as "Information and Assessment (I&A)".

Jurisdiction and Referral

Per guidelines set forth in CDSS APS MPP Division 33-405, 33-505.1 and WIC § 15650, the APS Hotline SSW will evaluate reports of suspected elder or dependent adult abuse to determine jurisdiction.

The APS Hotline SSW will determine whether:

- The client meets the definition of an elder or dependent adult, pursuant to WIC §15750.
- The report meets the definition of elder or dependent adult abuse, pursuant to WIC § 15610.07.
- The alleged abuse occurred in Orange County (OC).
- The client is a current resident of OC.

The APS Hotline SSW will screen-in reports of suspected elder or dependent adult abuse when jurisdiction has been determined and:

- It is unknown where the abuse occurred or the client is homeless.
- The alleged abuse or neglect occurred in an unlicensed facility, (i.e., room and board, shelter, etc.).
- The client was away from their residence in a licensed facility and facility personnel were not responsible for direct care and supervision when the alleged abuse occurred.
- The client was not a resident of a licensed facility when the abuse occurred.
- The alleged perpetrator is not affiliated with a facility.

Note: Per CDSS APS MPP Division 33-405.2, APS and another public agency (i.e., law enforcement, Ombudsman, etc.,) can conduct a joint investigation when multiple jurisdictions apply.

Referral – Reports that Fall Outside of APS Jurisdiction: Per CDSS APS MPP Division 33 § 405.4–405.421, the APS Hotline SSW will **refer** the RP to the appropriate public agency for abuse reports that are not within APS jurisdiction.

Pursuant to APS MPP Division 33 § 405.4, if the APS Hotline SSW deems that a mandated or non-mandated RP will not follow through on the **referral**, the APS Hotline SSW **may** accept a report of the incident and as soon as possible **refer** via facsimile, or communicate the content of the report by telephone, to the appropriate agency (e.g., the caller is an employee of a long-term care facility and is afraid to report the observed abuse).

Long-Term Care Ombudsman Program (Ombudsman):

Per WIC § 15640(a)(2) and CDSS APS MPP 33 § 405.42, the RP providing information of known or suspected elder or dependent adult abuse under the jurisdiction of the Ombudsman

will be immediately informed to make a report to the Ombudsman. The APS Hotline SSW will assist the RP by offering to transfer the caller to the Ombudsman and provide the direct number for future reports.

When an Ombudsman written report is received, the APS Hotline SSW will enter the report into LEAPS and provide the information directly to the Ombudsman.

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

Assessment Guide for LEAPS Intake Screener Tool (IST)

The APS Hotline SSW will use the IST to evaluate the response priority level. The APS Hotline SSSS or APS SSSS OD will review and approve the tool.

The APS Hotline SSSSs will provide consultation to Hotline staff when there are questions about the completion of the IST or as requested by Hotline SSWs.

When the APS SSW submits the IST to the APS SSSS for review and the APS SSSS determines modifications are required, the APS SSSS will return the IST to the APS SSW noting revision is required.

Refer to the IST for further guidelines.

Report Response Options

The APS Hotline SSW will assess reports for risk and a priority response level.

Reports of elder or dependent adult abuse within APS jurisdiction will be evaluated with the IST and will be assigned one of the following response options:

- Immediate Response (IR): Pursuant to WIC § 15763(b), 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.
- <u>Ten Day Response (10-Day)</u>: Pursuant to WIC § 15763(b), 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.

APS Hotline staff will accept elder and dependent adult abuse reports after normal business hours and will forward reports determined to be an Immediate Response (IR) to the APS On-Call SSSS.

Per WIC §§ 15763(c), 15650 and CDSS MPP 33-640, reports under the following circumstance do not meet criteria for an investigation and will be documented as:

Information and Assessment (I&A)

Reports are determined to be I&A when:

- The client does not meet the definition of an elder or dependent adult pursuant to WIC §15750.
- The information reported does not meet the definition of elder or dependent adult abuse or neglect pursuant to WIC § 15610.07.

The APS Hotline SSW will:

- Document the I&A report information in LEAPS.
- Provide preventative and remedial resources to the RP as appropriate.

The I&A will be reviewed and closed by an APS Hotline SSSS.

Confidentiality

Per WIC §§ 15633–15633.5, all reports of suspected elder and dependent adult abuse including the RP's PII are confidential except to specified agencies or persons representing an agency.

If the RP also provides information regarding child abuse and neglect allegations in the same family, APS Hotline staff will maintain confidentiality pursuant to WIC §§15633-15633.5 and will not make reference to the APS report on any form of Child Abuse Hotline documentation (e.g. Child Welfare Services/Case Management System (CWS/CMS) screener alert field, Screener Narratives, Daily Statistical Sheet, etc.).

Per ACL 23-54, CFS and APS may disclose information with each other for multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect, or the abuse or neglect of an elder or dependent adult.

Any violation of confidentiality is a misdemeanor and punishable by law, pursuant to WIC § 15633(a).

Consultation

The APS Hotline SSW will consult with an APS Hotline SSSS for any of the following, as needed:

- 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)
- Immediate responses (IR)

SSSS Review and Approval

The APS Hotline SSSS will complete the following prior to approving the report in LEAPS:

- Review report and confirm all relevant information has been gathered and accurately documented.
- Verify the IST have been completed.
- Verify the report disposition is congruent with the information contained in the IST assessment.
- Assign to the APS Assignment Desk via LEAPS and notify APS SSSS OD by email of an IR report pending assignment.

Upon completion of APS Hotline SSSS review and approval, reports will be submitted in LEAPS to the APS SSSS in a timely manner.

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.

Attachment 1—Expanded Summary of Legal Definitions

Hyperlinks

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

- <u>California Department of Social Services Adult</u> <u>Protective Services (CDSS APS)</u>
- <u>California Department of Social Services Adult</u>
 <u>Protective Services (CDSS APS) County Contact List</u>
- California Department of Aging Ombudsman Program
- Administration for Community Living
- CDSS Facility Search
- Community Care Licensing Facility List
- SSA P&P <u>Information Technology Security and Usage (I 6)</u>

Other Sources

Other printed references include the following:

None.

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

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

Brochures

Brochures to distribute in conjunction with this policy may include:

None.	Brochure Name	Brochure Number
140110.		

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 § 15610.13 provides the definition of "adult protective services agency."

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 § 15610.30 provides the definition of "financial abuse."

<u>WIC § 15610.35</u> 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 § 15610.53 provides the definition of "mental suffering."

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 § 15610.67 provides the definition of "serious bodily injury."

WIC § 15610.70 provides the definition of "undue influence."

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

<u>WIC §15630.1</u> specifies all officers and employees of financial institutions are mandated reporters of financial abuse.

<u>WIC § 15633</u> and <u>§ 15633.5</u> specify all reports of elder and dependent adult abuse are confidential except under certain guidelines and that violation of confidentiality is punishable by law.

<u>WIC § 15636</u> specifies any client of elder or dependent adult abuse may refuse the protective services offered by APS.

<u>WIC § 15640(a)(1)</u> outlines APS cross reporting responsibilities to law enforcement and any public agency given responsibility for investigation of elder or dependent abuse when a report of elder or dependent adult abuse is received.

<u>WIC § 15640(b)</u> outlines APS cross reporting responsibilities to professional licensing agencies when a report of elder or dependent adult abuse committed by a licensed health practitioner is received and the continuing responsibility of APS to investigate as required by law.

WIC § 15640(d) authorizes the local long-term care ombudsman program to ask for assistance with an investigation of the abuse if the client gives his or her consent.

<u>WIC § 15650</u> outlines jurisdictional parameters for investigation of elder and dependent adult abuse.

WIC § 15658 requires a written abuse report and specifies information to be obtained from the reporting party for initial intake of elder and dependent adult abuse reports.

<u>WIC § 15763</u> outlines timeframes for responding to reports of elder and dependent adult abuse, excluding long-term care or residential facilities unless otherwise directed to support the local long-term care ombudsman program.

<u>WIC § 15763(b)</u> specifies an in-person response is not necessary to protect the health or safety of the elder or dependent adult when a risk assessment determines and the social worker documents that the elder or dependent adult is not in imminent danger.

<u>WIC § 15750</u> provides the definition of "Dependent Adult" and "Elder." Includes respective age requirements including dependent adults as persons between 18 and 59 years of age, and elders as persons 60 years of age or older. Additional specifications include this WIC section applies only to the extent that the state provides annual funding and shall not require subvention of funds by the state.

WIC § 15770(e) provides the definition for "homelessness."

<u>All County Letter (ACL) 99-53</u> (and <u>Errata</u>) 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.

<u>ACL 99-16</u>; <u>ACL 99-53</u> (and <u>Errata</u>) and <u>ACL 00-16</u> provides guidelines to determine agency jurisdiction and cross-reporting and referral responsibilities for reports of elder and dependent adult abuse.

<u>ACL 03-07</u> (and <u>Errata</u>) implements AB 444 (Chapter 1022, Statues of 2002) which provides criteria for determining when 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 14-42; ACIN I-91-15; ACL 18-132 and ACL 18-146 outlines revisions made to APS and County Services Block Grant (SBG) Monthly Statistical Report (SOC 242). Describes the SOC 242 as a monthly report used to collect data on the outcomes of older adults and adults with disabilities who have been maltreated.

ACL 19-06 provides notification for a revised Report of Suspected Dependent Adult/Elder Abuse (SOC 341).

ACL 15-33 outlines the impact of AB 40 (Chaptered 659, Statutes of 2012) which required revisions to Report of Suspected Dependent Adult/Elder Abuse (SOC 341) and a mandated reporter form required by staff in a licensed facility, Statement Acknowledging Requirement to Report Suspected Abuse of Dependent Adults and Elders (SOC 341A).

<u>ACL 23-54</u> provides that employees of a county's child welfare services agency or a county's adult protective services agency may disclose information with each other for the purpose of multidisciplinary teamwork in the prevention, intervention, management, or treatment of child abuse or neglect, or abuse or neglect of an elder or dependent adult.

<u>All County Information Notice (ACIN) I-16-16</u> and <u>ACIN I-08-19</u> informs counties of contacts for the reporting of suspected dependent adult/elder abuse statewide.

Health and Safety Code § 1250, § 1250.2 and § 1250.3 define the term "health facility" and categorizes types of facilities within this definition.

<u>Business and Professions Code Division 2</u> (commencing with section 500) provides the definition of "health care practitioner."

<u>California Department of Social Services (CDSS) APS Manual of Policies and Procedures (MPP), Division 33-100 through 800</u> contain the regulations which govern the Adult Protective Services Program.

<u>CDSS APS Manual of Policies and Procedures (MPP) Division 33 § 400</u> provides guidelines to determine jurisdictional parameters for investigating elder and dependent adult abuse.

<u>CDSS APS MPP Division 33 § 405.2</u> outlines response procedures for shared jurisdiction.

<u>CDSS APS MPP Division 33 § 405.4—405.421</u> 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.

<u>CDSS APS MPP Division 33 § 515</u> provides guidelines for cross reporting elder and dependent adult abuse.

REVISION HISTORY

Since the Effective Date of this P&P, and prior to the Current Revision Date, the following revisions of this P&P were published:

June 10, 2015 December 9, 2019