



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Dependent/Elder Adult Abuse And Neglect Reporting Requirements

NUMBER: BUL-2449.0

ISSUER: Kevin S. Reed, General Counsel
Office of the General Counsel

DATE: Effective Immediately

ROUTING
All Employees
All Locations

POLICY: The Los Angeles Unified School District is committed to providing a safe and secure learning environment for its students. It is the responsibility of all District employees to protect students from suspected abuse and neglect by becoming knowledgeable about abuse and neglect, cooperating with adult protective services agencies responsible for protecting dependent and elder adults from abuse and neglect, and filing mandatory reports as required by law and District policy. This bulletin ensures that all District employees have access to the information needed to fulfill their obligations under the law.

MAJOR CHANGES: This Bulletin replaces, with regard to dependent and elder adult abuse and neglect reporting requirements, District Bulletin No. Z-10 dated August 1, 1996, and District Bulletin 279 dated September 5, 1996, as well as District Memorandum No. 11, *Reporting Abuse of Dependent Adults*, dated January 26, 1987. It provides updated information and clarification of guidelines for reporting suspected dependent/elder adult abuse and neglect, as required by law.

GUIDELINES: The following guidelines apply.

I. PURPOSE

The Board of Education and District staff recognize that students have greater opportunities to benefit from instruction when they are safe and secure. It is the responsibility of all staff to increase students' opportunities for learning by protecting them from abuse and neglect by collaborating with other persons mandated to report abuse and neglect; becoming knowledgeable about abuse and neglect, its indicators and ramifications; and cooperating with public agencies responsible for protecting dependent and elder adults. Therefore, IT IS DISTRICT POLICY THAT ALL EMPLOYEES SHALL COMPLY WITH STATE LAW REGARDING DEPENDENT/ELDER ADULT ABUSE AND NEGLECT REPORTING.



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II. SCHOOL DISTRICT EMPLOYEE OBLIGATIONS FOR ABUSE/NEGLECT REPORTING

- A. Each District employee has an affirmative duty to report suspected dependent/elder adult abuse. Please see Attachment A for a certification form.
- B. State law provides immunity from civil or criminal liability for mandated reporters who file suspected abuse/neglect reports.
- C. The District will defend employees who file reports consistent with policy in the course of their employment against any actions/claims that may be made as a result of the reports.
- D. Failure to comply with this policy may subject an employee to professional and personal liability.

III. DEFINITIONS

- A. "Adult Protective Services Agency" is an agency authorized to take reports of suspected abuse of dependent/elder adults, as defined by law. Adult Protective Services Agencies include Adult Protective Services or any local law enforcement agency except school police.
- B. "Dependent Adult" is a person 18-64 years of age who resides in this state and who 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 because of age. Developmentally disabled adult students suspected of being abused are to be reported as dependent adults on Form SOC 341.
- C. "Elder Adult" is a person 65 years of age or older.
- D. "Dependent/elder adult abuse" includes:
 - 1. "Abandonment" - The desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.
 - 2. "Abduction" - The removal from this state and the restraint from returning to this state of any elder or dependent adult



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who does not have the capacity to consent as well as the removal from this state or the restraint from returning to this state of any conservatee without the conservator's consent or a court order.

3. "Abuse of an elder or a dependent adult" - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical or mental suffering.
4. "Financial abuse" - When a person or entity takes, appropriates or retains (or assists in the taking, appropriating, or retention of) real or personal property of an elder or dependent adult to a wrongful use and/or with intent to defraud.
5. "Isolation" - Intentionally preventing an elder or dependent adult from receiving mail or calls; telling a caller or a visitor that an elder or dependent adult is not present or does not wish to talk, or does not wish to meet where the statement is false and prevents the elder or dependent adult from having contact with family, friends, or others; false imprisonment, or physical restraint to prevent the elder or dependent adult from meeting with visitors.

IV. REPORTING PROCEDURES

- A. Dependent/elder adult abuse reports may be made to an Adult Protective Services Agency as follows:
 1. Reporting includes two responsibilities: an initial phone call to an Adult Protective Services Agency, which the mandated reporter must make as soon as practically possible upon reasonable suspicion of dependent/elder abuse, and a follow-up written report to the Adult Protective Services Agency which took the call within two working days of the call.

A telephone report of a known or suspected instance of elder or dependent/elder adult abuse shall include, if known:

- The name of the person making the report,
- The name and age of the elder or dependent adult,
- The present location of the elder or dependent adult,
- The names and addresses of family members or any



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other person responsible for the elder or dependent adult's care,

- The nature and extent of the elder or dependent adult's condition,
- The date of the incident, and
- Any other information, including information that led that person to suspect elder or dependent/elder adult abuse, as requested by the Adult Protective Services Agency representative.

2. If suspected abuse allegedly occurred in the community, including school, the mandated reporter must contact one of the following Adult Protective Services Agencies as follows:

a. Adult Protective Services Hotline: (888) 202-4248;
After Hours: (877) 477-3646
Please see Attachment B for a list of local law enforcement agencies.

b. The written report, Form SOC 341, must be mailed to:

Adult Protective Services Centralized Intake Unit
3333 Wilshire Boulevard, Suite 400
Los Angeles, California 90010
FAX (213) 738-6485

c. If suspected abuse allegedly occurred in a long-term care facility, the mandated reporter must contact one of the following Adult Protective Services Agencies as follows:

1). Adult Protective Services Hotline: (800) 334-9473; After Hours: (800) 231-4024
Please see Attachment A for a list of local law enforcement agencies.

2). The written report, Form SOC 341, must be mailed to:

Long Term Care Ombudsman
1527 Fourth Street, Suite 250
Santa Monica, California 90401
FAX (310) 395-4090



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- B. No removal or arranging of any clothing to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the student shall be permitted (Education Code section 49050).
- C. Joint reporting requirements: The law states that when two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of dependent/elder adult abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the designated member failed to report the incident shall thereafter make the report.
- D. Any time a mandated reporter feels it necessary to discuss a situation of possible abuse, the reporter may call (888) 202-4248 to speak with an Adult Protective Services representative. A mandated reporter, upon reasonable suspicion, may report suspected dependent /elder adult abuse regarding nonstudents by following the same procedures outlined above. A copy of Form SOC 341 is included in Attachment C.

V. DISTRICT EMPLOYEE AS AN ALLEGED PERPETRATOR

- A. Witnesses to or recipients of information about suspected dependent/elder adult abuse when a district employee is the alleged perpetrator should:
 - 1. Immediately telephone the appropriate adult protective agency and follow-up with a written report in accordance with the procedures outlined in this bulletin.
 - 2. Immediately advise their supervising administrator of the alleged conduct (such notification may be oral or in writing).

Note: Advising the administrator is not a dependent/elder adult abuse report and does not relieve the reporter from his or her legal obligation to file a formal report.

- B. When facts are brought to an administrator's attention that suggest or create a reasonable suspicion that a district employee engaged in dependent/elder adult abuse, the administrator must:
 - 1. File a dependent/elder adult abuse report in accordance with the procedures outlined in this bulletin.



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2. If the Adult Protective Services Agency conducts an investigation, cooperate with the representative during the investigation and obtain approval from the agency representative to take the administrative action necessary to secure the safety of the victim and of others at the site.
3. ***Except as provided below, administrators may not take action with staff, students or the employee in question prior to or during the adult protective services agency investigation without the approval of the agency.*** This means that the administrator may not: interview witnesses, interview the alleged perpetrator, contact relative(s) of alleged victim, take written statements, seek verification of information, or take disciplinary action. Taking any such actions without acquiescence of the investigating agency could interfere with or compromise the agency investigation.
4. If the Adult Protective Services Agency elects not to conduct an investigation, completes an investigation and/or, in cases involving students, advises the school official to “handle administratively,” document the incident, immediately call the Local District office and apprise the Local District Superintendent/designee of the alleged conduct and take appropriate action.
5. School administrators should consult with the Local Superintendent/designee to determine what administrative action should be taken.

C. Temporary Removal of Employee Accused of Suspected Dependent/Elder Adult Abuse

1. District officials may temporarily relocate an employee named as the alleged perpetrator in a report of suspected dependent/elder adult abuse provided that:
 - a. The Adult Protective Services Agency is notified prior to the actual relocation of the employee.
 - b. If the agency objects to the relocation, the agency may negotiate a mutually agreeable resolution.
2. Circumstances under which a district employee named as an alleged perpetrator in a report of suspected abuse may be



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temporarily relocated/reassigned may include, but are not limited to:

- Instance(s) where the student/alleged victim sustains physical injury
- Allegations of sexual abuse
- Multiple incidents of physical assault
- Financial abuse against the student/victim
- Instance(s) where the age and/or developmental ability of the student(s) are risk factors to the student's safety

Note: In all instances, the safety of students will be the primary criterion for any relocation decision. Employees temporarily transferred/relocated will not be presumed guilty and will have all appropriate due process rights.

VI. DEPENDENT/ELDER ADULT ABUSE REPORTING PROCEDURES AND SEXUAL HARASSMENT POLICY

- A. The District has dual responsibilities with respect to inappropriate sexual conduct toward a student. The District has a duty to both report cases of suspected dependent/elder adult abuse to an Adult Protective Services Agency and an additional responsibility under Title IX to respond promptly and equitably to reports of sexual harassment (Bulletin No. L-5, Sexual Harassment Policy Students, dated August 15, 2001). Therefore, a report of inappropriate sexual conduct could possibly require: (1) a suspected abuse report, (2) a sexual harassment investigation, and (3) the imposition of discipline on the perpetrator of the conduct.
1. District officials may conduct administrative investigations subsequent to the conclusion of the Adult Protective Services Agency's investigation or when advised to handle the situation administratively.
 2. A determination of whether dependent/elder adult abuse has occurred and a determination of whether sexual harassment has occurred involve different standards and different outcomes. Dependent/elder adult abuse investigations involve possible criminal conduct; they are not designed to address issues about the education environment for students. For these and other reasons, making a report of dependent/elder adult abuse does not relieve the District of its responsibility under Title IX to take administrative action to investigate and determine whether sexual harassment has taken place. Appropriate administrative steps in response to



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sexual harassment might include action to end the harassment, ensure that it does not reoccur, and cure any hostile education environment that may have been created for the student who had been the target of the conduct. The response might also involve the initiation of disciplinary proceedings against the perpetrator.

VII. PROHIBITED ACTIONS

- A. The individual's reporting responsibility must not be impeded, inhibited, or assumed by an employee's administrator, colleague or supervisor, nor may any person be subject to sanctions of any kind for making such a report.
- B. School police or security officers must not be asked to, and may not, investigate reports of alleged dependent/elder adult abuse.
- C. The reporting employee must not seek to verify the suspicion or prove that abuse has occurred. Investigation (questioning witnesses, obtaining written statements) as well as notification (family, alleged perpetrator), counseling, and/or family intervention are the responsibility of the Adult Protective Services Agency.
- D. Under no circumstances should a staff member be required to explain or justify a decision to report or be compelled to meet with the alleged perpetrator named in the report.
- E. Any individual(s) bringing forth an allegation of abuse should not be made to repeat the allegation(s) or to provide a written statement regarding the allegation(s) prior to the report being made. Likewise, if a dependent or elder adult discloses that he/she was abused, the dependent or elder adult should not be asked to provide a written statement or to repeat the information to other staff at the site.
- F. Mandated reporters should never contact the reportable victim's home or the alleged perpetrator prior to making the report if abuse is suspected.
- G. Mandated reporters should not contact the reportable victim's home or the alleged perpetrator once the report is made unless approval is obtained from the investigating agency or until the agency investigation has been completed.
- H. Prior to making a report, mandated reporters should never conduct an investigation of any kind once abuse is suspected.



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- I. Mandated reporters shall not be retaliated against for reporting under these procedures and applicable laws.

VIII. LIABILITY FOR FAILURE TO REPORT/PROTECTIONS AGAINST LIABILITY

- A. Failure to report suspected dependent/elder adult abuse is a misdemeanor, punishable by not more than six months in the county jail, by a fine of not more than one thousand dollars (\$1,000.00), or by both that fine and imprisonment. Any mandated reporter who willfully fails to report physical abuse, abandonment, abduction, isolation, financial abuse, or neglect of an elder or dependent adult, in violation of this section, where that abuse results in death or great bodily injury, shall be punished by not more than one year in a county jail, by a fine of not more than five thousand dollars (\$5,000.00), or by both fine and imprisonment.
- B. State law provides immunity from civil or criminal liability for mandated reporters who file suspected abuse/neglect reports.

IX. CONFIDENTIALITY

- A. The contents of Suspected Dependent Adult /Elder Abuse reports must remain confidential. Only certain individuals-- staff directly involved in the specific case and Adult Protective Services Agency representatives— may have access to information regarding the report. To ensure confidentiality for all parties, no other individual, including clerical and other office staff, may read, type, file or be apprised of reports of suspected dependent/elder adult abuse. Reports are to be completed only by the reporter and may be handwritten, printed or typed. Any violation of confidentiality in these reports is a misdemeanor punishable by not more than six months in the county jail, by a fine of five hundred dollars (\$500), or by both fine and imprisonment.
- B. Should a relative/alleged perpetrator request information about a report, why a report was made and/or who made the report, he/she should be referred to the appropriate Adult Protective Services Agency. Staff may discuss the legal requirements as well as the District's policy and procedure for dependent/elder adult abuse reporting with a relative/alleged perpetrator but never the specifics/contents of a report.



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AUTHORITY: California Welfare and Institutions Code section 15600 et seq.

RELATED RESOURCES: Bulletin - 1347, "Child Abuse and Neglect Reporting Requirements," dated December 8, 2004,
Bulletin - 1041, "Sexual Harassment Policy, Student-to-Student, Adult-to-Student and Student-to-Adult," dated June 10, 2004.

ASSISTANCE: For assistance with determining whether an incident should be reported as suspected dependent or elder adult abuse/neglect, contact the Adult Protective Services Hotline at (888) 202-4248.

For assistance with school site procedures, contact your school administrator. School administrators may contact designated department and/or Local District Operations Coordinators.

For legal questions, contact the Office of the General Counsel, Field Services Team, at (213) 241-7600.

For questions regarding sexual harassment reporting, contact the Educational Equity Compliance Office at (213) 241-7682.

Attachments:

- Attachment A, Statement Acknowledging Legal Requirements and District Procedures Concerning Dependent/Elder Adult Abuse Reporting
- Attachment B, Law Enforcement Departments
- Attachment C, Copy of Report of Suspected Dependent/Elder Abuse Form



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ATTACHMENT A

**STATEMENT ACKNOWLEDGING LEGAL REQUIREMENTS AND DISTRICT
PROCEDURES CONCERNING DEPENDENT/ELDER ADULT ABUSE AND NEGLECT
REPORTING**

Section 15630 of the Welfare and Institutions Code requires any person who has assumed full or intermittent responsibility for care or custody of an elder or dependent adult, whether or not he or she receives compensation, including administrators, supervisors, and any licensed staff of a public or private facility that provides care or services for elder or dependent adults, or any elder or dependent adult care custodian, health practitioner, clergy member, or employee of a county adult protective services agency or a local law enforcement agency, is a mandated reporter, to report suspected abuse or neglect. Any mandated reporter who, in his or her professional capacity, or within the scope of his or her employment, has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult that he or she has experienced behavior, including an act or omission, constituting any of these grounds, as defined in the statute and these guidelines, shall report the known or suspected instance of abuse by telephone immediately or as soon as practicably possible, and by written report sent within two working days of receiving the information concerning the incident.

All District employees, certificated or classified, who come into contact with dependent/elder adults in their professional capacity or within the scope of their employment shall sign below.

Your signature below certifies that you have knowledge of the foregoing provisions concerning dependent/elder adult abuse and neglect reporting and that you will comply with these requirements.

NAME: _____ EMPLOYEE NUMBER: _____

SCHOOL OR LOCATION: _____ POSITION: _____

SIGNATURE: _____ DATE: _____



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ATTACHMENT B

LAW ENFORCEMENT DEPARTMENTS

When reporting to law enforcement, complete and mail the written report (ATTACHMENT C) to the same law enforcement department that you called, within 36 hours of the allegation (write Attn: Dependent/Elder Adult Unit on envelope).

CITY JURISDICTION

Bell Police Dept.
6326 Pine Avenue
Bell, CA 90201
(323) 585-1245

Los Angeles Police Dept.
150 North Los Angeles Street
Los Angeles, CA 90012
(213) 485-4700

Culver City Police Dept.
4040 Duquesne Avenue
Culver City, CA 90230
(310) 837-1221

Maywood Police Dept.
4317 E. Slauson Avenue
Maywood, CA 90270
(323) 562-5005

Gardena Police Dept.
1718 W. 162nd Street
Gardena, CA 90247
(310) 323-7911
(310) 217-9670 (follow-up calls)

Monterey Park Police Dept.
320 W. Newmark Avenue
Monterey Park, CA 91754
(626) 307-1234

Hawthorne Police Dept.
4440 W. 126th Street
Hawthorne, CA 90250
(310) 675-4443


San Fernando Police Dept.
910 First Street
San Fernando, CA 91340
(818) 898-1267

Huntington Park Police Dept.
6542 Miles Avenue
Huntington Park, CA 90255
(323) 584-6254

South Gate Police Dept.
8620 California Avenue
South Gate, CA 90280
(323) 563-5436

Inglewood Police Dept.
1 Manchester Blvd.
Inglewood, CA 90301
(310) 412-8771

Vernon Police Dept.
4305 Santa Fe Avenue
Vernon, CA 90058
(323) 587-5171/8135



PLEASE FAX SOC 341
(SUSPECTED DEPENDENT ADULT
AND ELDER ABUSE REPORT FORM)
SOC 341 CAN BE PHOTOCOPIED
**AND MAIL ORIGINAL TO ADULT
PROTECTIVE SERVICES**

THANK YOU

FAX NO. (213) 738-6485
ADD. 3175 W. 6TH STREET
ROOM 402
LOS ANGELES, CA 90020

REPORT OF SUSPECTED DEPENDENT ADULT/ELDER ABUSE

TO BE COMPLETED BY REPORTING PARTY. PLEASE PRINT OR TYPE. SEE GENERAL INSTRUCTIONS ON REVERSE SIDE

RECEIVING AGENCY USE ONLY

County APS/Ombudsman Case Number _____ SSN _____
Law Enforcement Case/File Number _____

A. VICTIM

NAME (LAST NAME FIRST): _____ AGE: _____ DATE OF BIRTH: _____ SEX: M F RACE: _____ LANGUAGE (CHECK ONE)
ADDRESS (IF FACILITY, INCLUDE NAME): _____ CITY: _____ TELEPHONE: ()
PRESENT LOCATION (IF DIFFERENT FROM ABOVE): _____ CITY: _____ TELEPHONE: ()
 DEVELOPMENTALLY DISABLED MENTALLY DISABLED PHYSICALLY HANDICAPPED BRAIN IMPAIRED FRAIL/ELDERLY (Functionally Impaired) HOSPITALIZED ADULT UNKNOWN

B. REPORTING PARTY

NAME (print) _____ SIGNATURE _____ OCCUPATION _____ DATE OF THIS WRITTEN REPORT _____
RELATION TO VICTIM _____ WHERE TO CONTACT: (STREET) _____ (CITY) _____ (ZIP CODE) _____ TELEPHONE () _____

C. INCIDENT INFORMATION

DATE/TIME OF INCIDENT(S): _____ PLACE OF INCIDENT (CHECK ONE) ADDRESS _____ LEARNED OF INCIDENT BY (CHECK ONE)
 OWN HOME COMMUNITY CARE FACILITY HOSPITAL VERBAL REPORT OBSERVATION
 HOME OF ANOTHER NURSING FACILITY OTHER

D. REPORTED TYPES OF ABUSE (CHECK ALL THAT APPLY)

1. PERPETRATED BY OTHERS a. PHYSICAL ASSAULT/BATTERY CONFINEMENT OR DEPRIVATION SEXUAL PHYSICAL AND/OR CHEMICAL RESTRAINT, MEDICATION, ISOLATION (CIRCLE ONE OR MORE) OTHER (SPECIFY) _____
b. NEGLECT ABANDONMENT MENTAL SUFFERING FIDUCIARY OTHER (SPECIFY) _____
2. SELF-INFLICTED a. PHYSICAL NEGLECT SUBSTANCE ABUSE OTHER PHYSICAL ABUSE b. SUICIDAL FIDUCIARY OTHER (SPECIFY) _____
ABUSE RESULTED IN (CHECK ALL THAT APPLY) NO PHYSICAL INJURY MINOR MEDICAL CARE HOSPITALIZATION CARE PROVIDER REQUIRED DEATH OTHER (SPECIFY) _____ UNKNOWN

E. REPORTER'S OBSERVATIONS, BELIEFS, AND STATEMENTS BY VICTIM IF AVAILABLE. (LIST ANY POTENTIAL DANGER FOR INVESTIGATOR.) (ATTACH ADDITIONAL INFORMATION.)

F. COLLATERAL CONTACTS (INCLUDE PERSONS BELIEVED TO HAVE KNOWLEDGE OF VICTIM OR ABUSE, IF AVAILABLE)

Table with 4 columns: NAME, ADDRESS, TELEPHONE NO., RELATIONSHIP

G. FAMILY MEMBER OR OTHER PERSON RESPONSIBLE FOR VICTIM. (IF UNKNOWN, LIST CONTACT PERSON).

NAME _____ IF CONTACT PERSON ONLY / CHECK RELATIONSHIP _____
ADDRESS _____ TELEPHONE () _____

H. RELATIONSHIP OF SUSPECTED ABUSER TO THE VICTIM

NAME OF SUSPECTED ABUSER _____ CARE CUSTODIAN (type) _____ PARENT OFFSPRING OTHER
HEALTH PRACTITIONER (type) _____ SPOUSE OTHER RELATION (Specify) _____
ADDRESS _____ TELEPHONE () _____ SEX: M F RACE: _____ AGE: _____ D.O.B.: _____ HEIGHT: _____ WEIGHT: _____ EYES: _____ HAIR: _____

I. VERBAL REPORT MADE (Check one Reported to Agency (See No. 1-5 on reverse side) Received by Agency (See No. 6 on reverse side).)

AGENCY _____ OFFICIAL CONTACTED: _____ TELEPHONE () _____ DATE: _____ TIME: _____

I. AGENCY USE ONLY

1. Evaluated/Investigation not warranted By: _____
2. Assigned ER Non-ER To: _____
3. Cross-Reported to: Ombudsman Law Enforcement CCL of Health Care Probation/Local Council Public Health Other (Specify): _____