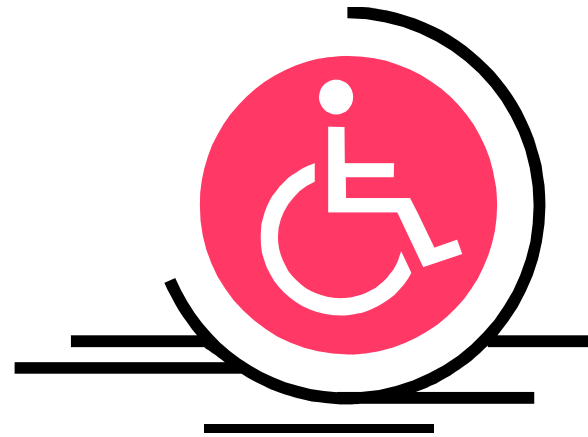


Mandated Reporting



**Considerations for
Collaborations**

Presenters

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Persons Covered	Mandated reporters
At-Risk Adult	None though it “Urges” certain professionals to make a report



Persons Covered	Mandated reporters
Adult	Includes social workers and law enforcement



Persons Covered	Mandated reporters
Dependent Adult	Includes social workers and law enforcement and employees of community mental health facilities and allows anyone to report



Persons Covered	Mandated reporters
Vulnerable Adult	Includes professionals working in social services, social workers and therapists



Persons Covered	Mandated reporters
Vulnerable Adult	Medical, mental health or allied health professional, social or public assistance worker, any other person who has actual knowledge or who has reason to believe that a vulnerable adult has been abused



Adult = 18+

Alleged to be unable to protect their own interest

Who is harmed or threatened with harm (financial, mental or physical in nature) through action or inaction by either another individual or through their own action or inaction when person is residing in:

- Own home, the home of a family member or the home of a friend
- An adult family home

Or is receiving services through a provider operated or funded by the department of social and rehabilitation or the department on aging or a residential facility

Kansas- Unique Exception

“... An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection.”



“Adult at risk” = any adult who has a:

- physical or
- mental condition

That substantially impairs his/her ability to care for his/her needs and

Who has experienced, is currently experiencing, or is at risk of experiencing abuse, neglect, or financial exploitation

Wisconsin Mandated Reporters

Mandated reporters:

- A Health Care Provider
- Social worker
- Professional counselor
- Marriage and family therapist
- An employee of any entity that is licensed, certified/approved by or registered with DHFS

ANY PERSON MAY REPORT possible physical, sexual or emotional abuse, financial exploitation, and neglect or self-neglect of a child, adult at risk, or elder adult at risk.

Wisconsin Mandated Reporters

Mandated reporters **must report** if:

- The elder or adult at risk has asked them to make a report
- There is reasonable cause to believe that the elder/adult at risk is at imminent risk and is unable to make an informed judgment about whether to make a report
- Others are at risk from the suspected perpetrator

Mandated reporters who intentionally violate the reporting laws for Adult at Risk and Elder Adult at Risk may be fined up to \$500 or imprisoned for up to six (6) months

What is a Mandated Reporter



Mandated Reporters are persons who:

- Are more likely to be aware of abuse or neglect of persons with disabilities because of their profession
- Are required by law to report cases of suspected abuse
- Choose to file reports of suspected abuse, even though they are not mandated to do so.

Adult Protective Services-Definition

“**Adult Protective Services** are those services provided to older people and people with disabilities who are, or are in danger of being mistreated or neglected, are unable to protect themselves, and have no one to assist them” (National Adult Protective Services Association (NAPSA))

NAPSA (2004) <http://www.apsnetwork.org/Resources/docs/Ethical%20Principles.pdf>

Interventions provided by Adult Protective Services

Include, but are not limited to:

- Receiving reports of adult abuse, exploitation or neglect
- Investigating these reports
- Case planning, monitoring and evaluation

In addition, they may provide or arrange for other protective, emergency or supportive services, like:

- Medical, social or economic assistance
- Legal services
- Housing
- Law enforcement

NAPSA (2004) <http://www.apsnetwork.org/Resources/docs/Ethical%20Principles.pdf>

Adult Protective Services-Guiding Values

- Every action taken must balance the duty to protect the safety of the vulnerable adult with the adult's right to self-determination.
- Victims of abuse, exploitation or neglect should be treated with honesty, caring and respect.

NAPSA (2004) <http://www.apsnetwork.org/Resources/docs/Ethical%20Principles.pdf>

Adult Protective Services-Guiding Principles

Adults have the right to:

- Be safe
- Retain their civil and constitutional rights
- Make decisions that do not conform with societal norms as long as they do not harm others
- Presumed to have decision-making capacity
- Accept or refuse services

NAPSA (2004) <http://www.apsnetwork.org/Resources/docs/Ethical%20Principles.pdf>

NAPSA Practice Guidelines*

- The interests of the adult are the first concern of any intervention
- Obtain informed consent before providing services
- Involve the adult in developing the service plan
- Case plan should maximize independence and choice
- Use the least restrictive option first
- Support casework actions that are in the adult's best interest
- Do no harm (inadequate or inappropriate intervention may be worse than no intervention)

*For complete list see NAPSA (2004)

<http://www.apsnetwork.org/Resources/docs/Ethical%20Principles.pdf>

Mandated Reporting Quandaries

- Misunderstanding about what will happen
- Unaware of the law
- Victim/service provider rapport
- Suspected abuse is subjective
- Effects of reporting –Will it increase or decrease quality of life?

Mandated Reporting Quandaries

- Possible negative outcome from report
- Investigator's experience in interviewing, safety planning, protecting, etc.
- Lack of funding, options etc. for intervention
- Liability: Not making report vs. making a report
- Philosophical differences

Liability

Colorado

- Not liable for making the report, if the report was made in good faith.
- False reports (intentional) the reporter may be charged with a class 3 misdemeanor, up to six months in jail and/or a maximum \$750 fine.

Liability

Iowa

A mandatory reporter who

- ◆ Knowingly and willfully fails to report.
- ◆ Interferes with the making of a report.
- ◆ Applies a requirement that results in the failure to report.

May be committing a simple misdemeanor and liable for civil damages

Liability

Ohio

- Any person who makes a report or who testifies shall be immune from civil or criminal liability.
- No employer shall retaliate against an employee as a result of the employee's having filed a report
- Mandated reporters who fail to make a report may be guilty of a misdemeanor of the fourth degree

Liability

Minnesota

- A person who makes a good faith report is immune from any civil or criminal liability
- A mandated reporter who negligently or intentionally fails to report is liable for damages caused by the failure.
- A person or facility who intentionally makes a false report shall be liable in a civil suit for any actual damages suffered by the reported facility, person or persons and for punitive damages up to \$10,000 and attorney fees.

Liability

South Carolina

- Mandated reporters who ***have actual knowledge*** that abuse/neglect/exploitation has occurred and who knowingly and willfully fails to report is guilty of a misdemeanor and must be fined not more than \$2500 or imprisoned not more than one year.
- A person required to report who has ***reason to believe*** that abuse/neglect/exploitation has occurred and who knowingly and willfully fails to report is subject to disciplinary action.

Philosophical Differences

“Mandated reporting, which is carefully constructed and implemented, is one of the proven viable, valuable, life saving measures. It therefore cannot be discounted simply because of ‘philosophical’ differences”.

Travis A. Fritsch (2002) MANDATORY REPORTING OF DOMESTIC VIOLENCE: *Making it Safe & Effective* available at <http://www.kiprc.uky.edu/projects/ipv/SafeRptg.pdf>

Benefits: Making a report can...

- Promote early identification of vulnerable adults
- Break isolation.
- Provide victims with information about safety planning, legal and community services
- Provide victims with local/state advocacy services
- Recognize that the adult has the right to self-determination and may accept or refuse services.
- Provide a 'continuum of care' for victims in coordination with other agencies and enhances effectiveness of interventions.
- Create documentation of the maltreatment that may be critical to criminal or civil legal action

But...

Any response **must** be victim focused, safety driven, & provide for confidentiality & autonomy.



Detriments:

Making a report may result in...

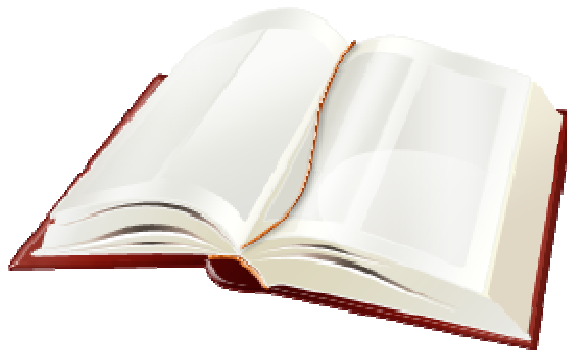
- Loss of independence (individual placed in a restrictive environment, payee is assigned, etc)
- Removal of the individual's rights (assigning a guardian)
- Loss of trust/feelings of betrayal toward reporter
- Increase risk
- Nothing-report is unsubstantiated

Mandated Reporting Stories

- *John's sick guardian (Wisconsin)*
- *School house intervention (Wisconsin)*
- *Betty's Story (Kansas)*
- *Ed's Story (Kansas)*

Mandated Reporting-Collaboration Issues

As a collaboration you may be facing the mandated reporting question more than once. Because APS was one of the MMDI:ACCESS partners we needed to do something in our charter.



Mandated Reporting-Needs Assessment

You may need to address it in your needs assessment.



Needs Assessment: *Confidentiality, minimizing risks, offering options*

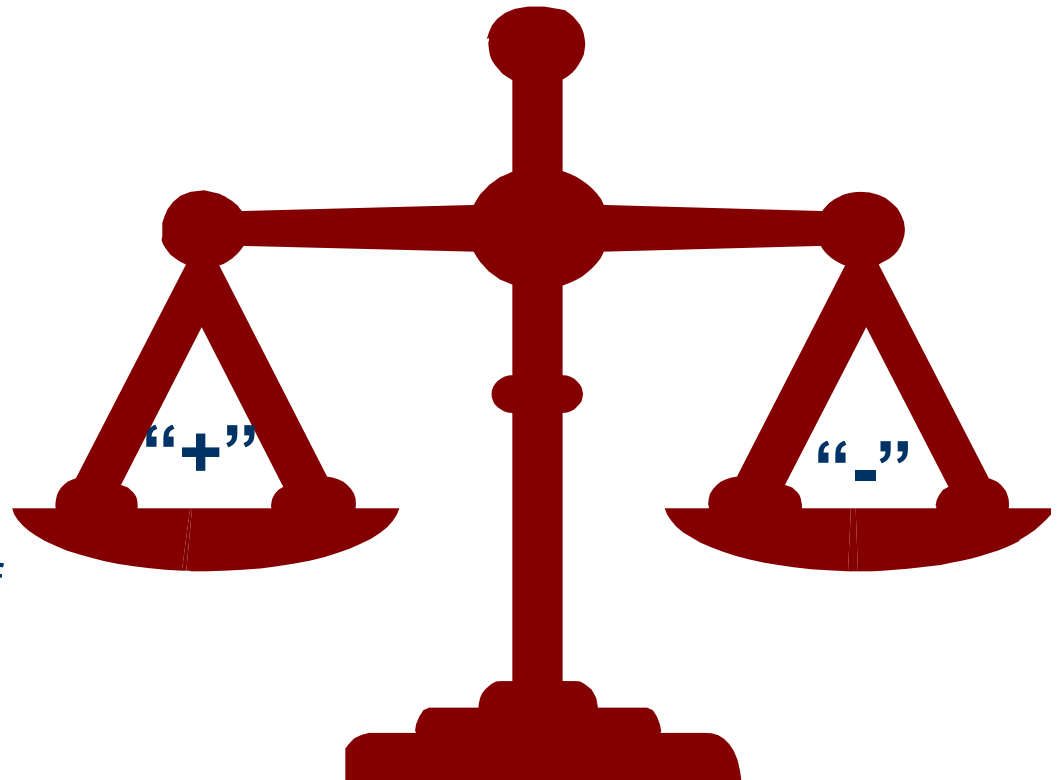
- Making a statement on the onset whether interviewer/facilitator is a mandated reporter
- Make sure participants understand your role in maintaining confidentiality
- Creating a safe place
- Giving options for participation, including changing interviewer/facilitator to a non-mandated reporter partner
- Empowering participants to self-report

Needs Assessment Disclosure Story-How it worked and how it benefited the participant-Wisconsin

Mandated Reporting-Implementation Phase

A final time your collaboration may need to address mandated reporting is during the implementation phase.

If you decide to develop policies/procedures, you will want to weigh the benefits and detriments of mandated reporting policies.



Deciding What Is Best

- Look at the law
- Talk with staff/board/managers
- Open a dialogue with APS workers
- Meet with other service providers
- Talk with consumers

The End

