

Mandatory Reporting of Elder Abuse

If abuse or exploitation of an at-risk elder is observed, or if there is reasonable cause to *believe* that an at-risk elder has been abused or exploited or is in imminent risk of abuse or exploitation, the information shall be reported to a **law enforcement agency** within **24 hours** after the observation or discovery.

Who Must Report:

Medical Professionals (to include but not limited to)

- Physicians, surgeons, physician assistants, osteopaths, physicians in training, physical therapists, occupational therapists, medical examiners, registered nurses, LPN's, nurse practitioners, emergency medical services, hospital and long term care facility personnel, dentists, pharmacists.

Social Workers

Court Appointed Guardians & Conservators
Fire Protection Personnel

Financial Institutions (to include)

- Personnel of banks, saving and loan associations, credit unions, and other lending or financial institutions.

Care Facilities (to include but not limited to)

- Caretakers, staff members, employee or consultant for licensed or certified facility, agency, home or governing board, home health care providers.

Home Care Placement Agencies

Clergy (if outside protected communication)

Caregivers (paid or unpaid)

Emergency Service Personnel

Mental Health Professionals (to include but not limited to)

- Psychologists and other mental health professionals.

Applies to all personnel whether paid or unpaid position.

Who is report made to:

Jefferson County Sheriff's Office
200 Jefferson County Parkway
Golden, CO 80401
303-277-0211

At-Risk Elder: any person who is 70 years of age or older.

Abuse- any of the following acts or omissions:

- Non-accidental bodily injury, Serious bodily injury or death
- Confinement or restraint that is unreasonable under general accepted caretaking standards
- Subjection to sexual conduct or contact
- Caretaker neglect

Exploitation- any of the following acts or omissions:

- Uses deception, harassment, intimidation, or undue influence to deprive an at-risk elder of the use, benefit, or possession of his/her money, assets, or property.
- Or without authority:
 - Hires a third party for the profit or advantage of the person or another person to the detriment of the at-risk elder
 - Forces, compels, coerces, or entices an at-risk elder to perform services for the profit or advantage of the person or another person against the at-risk elder's will.
- Misuses the property of an at-risk elder in a manner that adversely affects the at-risk elder's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

Theft –

- Any person who exercises undue influence (take advantage of) to convert or take possession of an at-risk elder's money, assets, or other

Criminal Negligence –

- Gross deviation from standard care resulting in substantial and unjustifiable risk to at-risk elder.

Caretaker Neglect –

- Neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for an at-risk elder or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person would exercise. (valid medical directive is an exception)

Robbery –

- Taking anything of value by use of force, threat, or intimidation.

Immunity:

If a report is made in good faith, there is immunity from suit and liability for damages in civil actions and criminal prosecutions

- If the reporter is the perpetrator, then immunity does not apply.

Penalty for failure to report:

Willful failure to report is a **class 3 misdemeanor**

- **\$50 fine (minimum)**
- **6 months imprisonment or \$750 fine, or both (maximum)**

Helpful Resources:

Colorado Coalition for Elder Rights & Abuse Prevention

<http://www.ccerap.org/>

Colorado Elder Abuse State Resources

<http://www.elder-abuseca.com>

Elder Abuse Unit Jefferson County DA Office

<http://jeffco.us/district-attorney/senior-services/elder-abuse-unit/>

Jefferson County Adult Protection

<http://jeffco.us/human-services/aging-and-adult-services/adult-protection/>