

Adult Protective Services (APS)

Ohio Revise Code 5101.60 – 5101.72

Definition: Elder Abuse and Neglect

“Have been defined to include any act of commission or omission that results in harm or threatened harm to the health and welfare of an older adult”

Diagnostic & Treatment Guidelines on Elder Abuse and Neglect. Chicago: American Medical Association, 1994: 4-24.

APS is intended to assist adults who are in danger of harm, unable to protect themselves and have no one else to assist them

- 60+ (some counties serve 18-59)
- Must be impaired and/or disabled
- Must have an allegation of abuse, neglect, self-neglect or exploitation
- Must reside in the community

Mandatory Reporting

- Any mandatory reporter who has reasonable cause to believe
 - That an adult is being abused, neglected, or exploited; or
 - Is in a condition which is result of abuse, neglect, or exploitation
- Shall immediately report to the County Department of Jobs and Family Services

Immunity for Reporting

- Any person with reasonable cause to believe an adult is suffering abuse, neglect, or exploitation, who makes a report, testifies or acts responsibly in the discharge of their official duties:
- Shall be immune from civil/criminal liability
- Unless the person acted in bad faith or with malicious purpose

Physical Abuse

Physical abuse is defined as the use of physical force that may result in bodily injury, physical pain, or impairment. Physical abuse may include but is not limited to such acts of violence as striking (with or without an object), hitting, beating, pushing, shoving, shaking, slapping, kicking, pinching, and burning. In addition, inappropriate use of drugs and physical restraints, force-feeding, and physical punishment of any kind also are examples of physical abuse.

Sexual Abuse

Sexual abuse is defined as non-consensual sexual contact of any kind with an elderly person. Sexual contact with any person incapable of giving consent is also considered sexual abuse. It includes, but is not limited to, unwanted touching, all types of sexual assault or battery, such as rape, sodomy, coerced nudity, and sexually explicit

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photographing.

Emotional Abuse

Emotional or psychological abuse is defined as the infliction of anguish, pain, or distress through verbal or nonverbal acts. Emotional/psychological abuse includes but is not limited to verbal assaults, insults, threats, intimidation, humiliation, and harassment. In addition, treating an older person like an infant; isolating an elderly person from his/her family, friends, or regular activities; giving an older person the "silent treatment;" and enforced social isolation are examples of emotional/psychological abuse.

Neglect

Neglect is defined as the refusal or failure to fulfill any part of a person's obligations or duties to an elder. Neglect may also include failure of a person who has fiduciary responsibilities to provide care for an elder (e.g., pay for necessary home care services) or the failure on the part of an in-home service provider to provide necessary care.

Self-neglect

Self-neglect is characterized as the behavior of an elderly person that threatens his/her own health or safety. Self-neglect generally manifests itself in an older person as a refusal or failure to provide himself/herself with adequate food, water, clothing, shelter, personal hygiene, medication (when indicated), and safety precautions.

Financial Exploitation

Financial or material exploitation is defined as the illegal or improper use of an elder's funds, property, or assets. Examples include, but are not limited to, cashing an elderly person's checks without authorization or permission; forging an older person's signature; misusing or stealing an older person's money or possessions; coercing or deceiving an older person into signing any document (e.g., contracts or will); and the improper use of conservatorship, guardianship, or power of attorney.