



# Consumer Alert

## Reporting Elder Abuse is State Law for Certain Professionals

On July 1<sup>st</sup>, 2014, elder abuse reporting became mandatory for certain professional groups in Colorado. These groups include medical professionals, personnel in long term care facilities, banks and other lending institutions; clergy, social work practitioners, law enforcement officers/personnel and other groups.

According to state statute C.R.S. 18-6.5-102, elder abuse is defined as any act or omission committed against an at-risk elder (aged 70 years old and older) resulting in the a).non-accidental infliction of bodily injury, serious bodily injury, or death; b) confinement or restraint that is unreasonable under generally accepted caretaking standards; c) subjection to sexual conduct or contact classified as a crime; d) caretaker neglect; and e) exploitation, defined as an act or omission committed by a person who uses deception, harassment, intimidation or undue influence to permanently or temporarily deprive an at-risk elder of the use, benefit, or possession of anything of value. A mandated reporter commits a class 3 misdemeanor if he/she fails to report. Other parties who witness abuse, but are not designated mandated reporters are **urged** to report. It is important to note that *any* reporting party need only have a *suspicion*, but not necessarily proof that abuse has occurred. Those who report in good faith are immune from liability for damages in any civil action or criminal prosecution.

The following are common indicators of physical abuse, neglect or financial exploitation:

- Unexplained, bilateral bruising on arms and legs
- Older person appears frightened in the presence of a caregiver or family member
- Elder is coerced into signing documents or withdrawing funds
- Family members move in with parent/grandparent and take over
- Elder's power of attorney is being misused by the agent
- Elder appears under-cared for by a known caregiver, i.e. is unkempt, underfed

The statute requires mandated reporters to report their suspicions to the law enforcement agency (police or sheriff's office) in the jurisdiction where the alleged abuse has occurred. This is required so that a criminal investigation can be conducted. In turn, law enforcement agencies have 24 hours to report what they have received to the department of human services, Adult Protective Services (APS) unit in that county. *Non-mandated* reporters are urged to report directly to APS in cases where not only abuse is suspected, but where there are concerns about the welfare of an elder. For more information on the role of Adult protective Services, or to view the list of all mandated reporters, click on <http://ccerap.com>

**DA – 18<sup>th</sup> Consumer Protection Line: 720-874-8547**