

# California

## Dependent Adult Abuse Reporting

### Who do I contact to report an incident in California?

Each county in California has its own Adult Protective Services department to help elder adults and dependent adults who are the victims of abuse, neglect, abandonment, or exploitation.

To report abuse, call this number 833-401-0832 and when prompted enter your 5-digit zip code to be connected to the Adult Protective Services in your county, 7 days a week, 24 hours a day.

### How much time do I have to report an incident?

A mandated reporter who, in their professional capacity, or within the scope of their 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 they have experienced behavior, including an act or omission, constituting physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or reasonably suspects that abuse, shall report the known, suspected, or alleged instance of abuse by telephone or through a confidential internet reporting tool immediately or as soon as practicably possible. If reported by telephone, a written report shall be sent, or an internet report shall be made through the confidential internet reporting tool within two working days.

### What is a “dependent adult” in California?

“Dependent adult” means a person, regardless of whether the person lives independently, between the ages of 18 and 64 years 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 and includes any person between the ages of 18 and 64 years who is admitted as an inpatient to a 24-hour health facility, as defined in Sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. **Cal Welf. & Inst. Code §15610.23**

### What is “abuse,” “neglect,” and “abandonment,” of an elder or dependent adult in California?

“Abuse” means

- (1) Physical abuse, neglect, abandonment, isolation, abduction, or other treatment resulting physical harm or pain or mental suffering.
- (2) The deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.
- (3) Financial abuse **Cal Welf. & Inst. Code §15610.07**

“Neglect” means

- (1) The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

- (2) The negligent failure of an elder or dependent adult to exercise that degree of self-care that a reasonable person in a like position would exercise.<sup>1</sup> **Cal Welf. & Inst. Code §15610.57**

“Abandonment” means 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. **Cal Welf. & Inst. Code §15610.05**

**Who is a mandatory reporter in California?**

A person who has assumed full or intermittent responsibility for the care or custody of an elder or dependent adult, whether or not they receive 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 **Cal Welf. & Inst. Code §15630**

**Are Clergy mandatory reporters in California?**

Yes. **Cal Welf. & Inst. Code §15630**

**Is there an exception for penitential communication in California?**

Yes. A mandated reporter who is a clergy member who acquires knowledge or reasonable suspicion of elder or dependent adult abuse during a penitential communication is not subject to reporting requirements. **Cal Welf. & Inst. Code §15630**

**If there is a penitential communication in California, how do you define such a communication?**

A “penitential communication” means a communication that is intended to be in confidence, including, but not limited to, a sacramental confession made to a clergy member who, in the course of the discipline or practice of their church, denomination, or organization is authorized or accustomed to hear those communications and under the discipline tenets, customs, or practices of their church, denomination, or organization, has a duty to keep those communications secret.

A clergy member’s duty to report is not modified or limited if they are acting in the capacity of a care custodian, health practitioner, or employee of an adult protective services agency. A clergy member who is not regularly employed on either a full-time or part-time basis in a long-term care facility or does not have care or custody of an elder or dependent adult shall not be responsible for reporting abuse or neglect that is not reasonably observable or discernible to a

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<sup>1</sup> Neglect includes, but is not limited to, Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter; Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment; Failure to protect from health and safety hazards; Failure to prevent malnutrition or dehydration; Substantial inability or failure of an elder or dependent adult to manage their own finances; Failure of an elder or dependent adult to satisfy any of the needs specified above, inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

reasonably prudent person having no specialized training or experience in elder or dependent care. **Cal Welf. & Inst. Code §15630**

**Where can I find California law on elder and dependent adult abuse?**

[California Legislative Information: Elder Abuse and Dependent Adult Civil Protection Act](#)