

## **Texas** **Dependent Adult Abuse Reporting**

Texas has reporting requirements for suspected abuse, neglect, self-neglect, and exploitation of older adults and adults with disabilities who need protection from harm.

### **Who do I contact to report an incident in Texas?**

Texas Adult Protective Services, within the Department of Family and Protective Services, investigates suspected abuse, neglect, and exploitation of older adults and adults with disabilities, both in community settings and certain facilities.

To report suspected abuse, neglect, or exploitation of an elderly person or adult with disabilities in Texas, call the Department of Family and Protective Services Abuse Hotline at 800-252-5400 or submit a report through the secure online portal at [txabusehotline.org](http://txabusehotline.org). The phone hotline operates 24 hours a day, 7 days a week.

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

A person with cause to believe an elderly person, a person with a disability, or an adult receiving certain services is in a state of abuse, neglect, or exploitation reports the concern immediately to the Department of Family and Protective Services. **Tex. Hum. Res. Code § 48.051(a)**

### **What is an “elderly person” and a “person with a disability” in Texas?**

An “elderly person” is an individual age sixty-five or older. **Tex. Hum. Res. Code § 48.002(a)(1)**

A “person with a disability” is an individual age eighteen or older, who has a physical, mental, intellectual, or developmental condition which substantially limits ability to provide for personal care or protection. **Tex. Hum. Res. Code § 48.002(a)(8)**

### **What situations must be reported in Texas?**

A report is required when an elderly person, a person with a disability, or an adult receiving services from covered providers is in a state of abuse, neglect, self-neglect, or exploitation. This includes situations where a caregiver harms the person, fails to provide basic care, or misuses the person’s money or property, and situations where an elderly person or an adult with a disability fails to meet basic needs and health or safety faces serious risk. **Tex. Hum. Res. Code §§ 48.002(a)(2), 48.051(a)**

### **What is “abuse,” “neglect,” and “exploitation” of an elderly person or an adult with a disability in Texas?**

“Abuse” means the negligent or willful infliction of physical pain, injury, or emotional harm on an elderly person or a person with a disability, cruel punishment, intimidation, unreasonable confinement, or sexual abuse. **Tex. Hum. Res. Code § 48.002(a)(2)**

“Neglect” means a caregiver’s failure to provide food, clothing, shelter, medical care, or supervision needed to maintain life or health of an elderly person or a person with a disability, or failure of the elderly person or person with a disability to provide for self the goods or services needed to avoid physical or emotional harm or pain. This second part covers self-neglect. **Tex. Hum. Res. Code § 48.002(a)(4)**

“Exploitation” means an illegal or improper act or process by a caregiver, family member, or other person who uses the resources of an elderly person or a person with a disability for monetary or personal benefit, profit, or gain without informed consent of the person. **Tex. Hum. Res. Code § 48.002(a)(3)**

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

Texas law places the duty to report on every person. Any individual with cause to believe an elderly person, a person with a disability, or an adult receiving covered services is in a state of abuse, neglect, or exploitation must make a report and must not shift this duty to another person. This requirement applies to health care workers, social workers, mental health professionals, employees of facilities and service providers, attorneys, clergy, financial professionals, and all others whose work involves contact with adults who need protection. **Tex. Hum. Res. Code § 48.051(a)**

**Are Clergy mandatory reporters in Texas?**

Yes. **Tex. Hum. Res. Code § 48.051(c)**

**Is there an exception for confidential communication in Texas?**

No. The duty to report in Texas applies without exception. Any person who learns about possible abuse, neglect, or exploitation of an elderly person or an adult with a disability while doing their job must report, even if their work usually involves confidential communications. This includes attorneys, clergy members, medical practitioners, social workers, members or employees of licensing boards, and mental health professionals. Confidential or privileged status does not cancel the duty to report. **Tex. Hum. Res. Code § 48.051(c)**

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

Florida’s Adult Protective Services Act appears in Chapter 415 of the Florida Statutes, sections 415.101 through 415.113.