



Factoring Dependent Adult Abuse Desk Aid

| ADULT IS DEPENDENT | PHYSICAL ABUSE | | | |
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| <p>1: Victim is 18 years of age or older.</p> <p>2: Has a physical or mental condition which requires assistance from another, resulting in at least one of the following:</p> <ul style="list-style-type: none"> An inability to protect their own interests; or An inability to adequately perform or obtain services to meet essential needs. <p>Note: Dependency status is a combination of functional impairment resulting in an inability to protect, perform, or obtain services to meet minimum needs. The degree of impairment and affiliated abilities which are impacted is what IDHS must assess to determine dependency status.</p> | <p>1: Victim is a dependent adult.</p> <p>2: Injured by acts or omissions of caretaker.</p> <p>3: Suffered a <i>physical injury</i> requiring a healing process.</p> <p>4: Injury is nonaccidental or at variance of history given.</p> | <p>2: Abuse occurred as a result of acts or omissions of caretaker.</p> <p>3: A sex act was committed.</p> <p>4: The victim is seriously injured and injury occurred during the commission of the sex act.</p> <p>5: One of the following exists:</p> <ul style="list-style-type: none"> Sex act done by force or against will of dependent adult; or Dependent adult lacks mental capacity precluding giving consent or having capacity of knowing right or wrong of conduct of sexual matters. | <p>incapacitated, physically incapacitated, or physically helpless*; or</p> <ul style="list-style-type: none"> The sex act is performed while the dependent adult is under the influence of a controlled substance <p>AND ALL OF THE FOLLOWING ARE TRUE:</p> <ul style="list-style-type: none"> The controlled substance prevents the victim from consenting to the act. The caretaker knows or reasonably should have known the victim was under the influence of the controlled substance. | <p>an ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, niece or nephew.</p> |
| <p>DETERMINING CARETAKER STATUS</p> <p>Person has responsibility for protection, care, or custody of dependent adult as a result of one or more of the following:</p> <ul style="list-style-type: none"> Person assuming role voluntarily. Person agreeing to provide services through a contract. Person agreeing to provide services through employment. Person is court-ordered as responsible for dependent adult. | <p>Physical Abuse: Assault</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as a result of the acts or omissions of caretaker.</p> <p>3: Assault occurred due to one of the following:</p> <ul style="list-style-type: none"> Acts committed intended to cause pain or injury or intended to result in physical contact which is insulting or offensive to dependent adult, <i>with ability to execute act</i>; or Committed act intended to place dependent adult in fear of immediate physical contact which will be painful, injurious, insulting or offensive, <i>with ability to execute act</i>; or Intentionally pointed any firearm toward the dependent adult or displayed any dangerous weapon in a threatening manner toward the dependent adult. | <p>Sexual Abuse in Second Degree</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as a result of acts or omissions of caretaker.</p> <p>3: A sex act occurred.</p> <p>4: One of following occurred:</p> <ul style="list-style-type: none"> Perpetrator displayed a deadly weapon threateningly during commission of sex act; or Perpetrator used or threatened force which created risk of health or serious injury; or Perpetrator aided or abetted by others in committing sex act and sex act was committed by force or against will of dependent adult. | <p>Note: Cohabiting is used as one factor to consider the intent, nature, and consent in the marital relationship. Consent by the alleged victim cannot be inferred from cohabitation or marital status alone.</p> | <p>Sexual Abuse: Indecent Exposure</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as a result of acts or omissions of caretaker.</p> <p>3: One of following acts occurred:</p> <ul style="list-style-type: none"> Perpetrator exposed pubes or genitals to dependent adult; or Perpetrator committed sex act in view of dependent adult. <p>4: Act done with intent to arouse or satisfy sexual desires of perpetrator or dependent adult AND perpetrator knows or should know the act was offensive to dependent adult.</p> <p>5: Perpetrator and dependent adult not cohabiting as spouses.</p> |
| <p>SELF-DENIAL OF CRITICAL CARE</p> <p>1: Victim is a dependent adult.</p> <p>2: Person responsible is the dependent adult.</p> <p>3: One of the following is present:</p> <ul style="list-style-type: none"> Pattern of dependent adult depriving self of the minimum food, shelter, clothing, supervision, physical or mental health care, or other care necessary for themselves; or If no pattern, a significant event occurred which resulted in deprivation of the dependent adult's minimum needs for food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain life or health. <p>4: Dependent adult is financially able to purchase services or been offered financial and other reasonable means to provide services.</p> | <p>Note: An assault may be committed without causing any actual injury to the victim. However, a verbal threat alone is not an assault unless surrounding circumstances indicate the immediate intent to execute the act.</p> | <p>Sexual Abuse in Third Degree</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as a result of actions or omissions of caretaker.</p> <p>3: A sex act was committed.</p> <p>4: One or more of the following occurred:</p> <ul style="list-style-type: none"> Sex act done by force or against will of dependent adult, whether or not the caretaker is the victim's spouse; or The sex act is between persons who are not cohabiting as spouses and the victim has a mental incapacity which precludes giving consent; or The sex act is performed while the dependent adult is mentally | <p>Sexual Abuse: Assault with Intent to Commit Sexual Abuse</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as a result of acts or omissions of caretaker.</p> <p>3: One of following occurred:</p> <ul style="list-style-type: none"> Any act intended to cause pain or injury or was intended to result in physical contact which would be insulting or offensive to victim, coupled with ability to execute act; or Any act intended to place victim in fear of immediate physical contact which will be painful, injurious, or offensive with ability to execute act; or Perpetrator intentionally pointed any firearm toward victim, or displayed any dangerous weapon toward victim in threatening manner. <p>4: Perpetrator had intent to commit sexual abuse, based on credible evidence which can include circumstantial information indicating motive or intent.</p> | <p>Invasion of Privacy – Nudity</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as result of acts or omissions of caretaker.</p> <p>3: Invasion of privacy – nudity committed with dependent adult by caretaker who knowingly views photographs, films, videotapes or any other recording or transmission of images of dependent adult in state of full or partial nudity, for purpose of arousing sexual desire of any person.</p> <p>4: Verification by dependent adult or competent professional that the dependent adult has reasonable expectation of privacy while in state of full or partial nudity.</p> <p>5: Verification by dependent adult or competent professional that dependent adult did not have knowledge about and did not consent or is unable to consent to being viewed, photographed or filmed.</p> |
| | <p>Physical Abuse: Unreasonable Confinement or Punishment</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred due to acts or omissions of caretaker.</p> <p>3: Dependent adult confined or punished without legal or medical authorization by:</p> <ul style="list-style-type: none"> Restriction of physical movement, locking up by binding, chaining, or Medical sedation, or Unwarranted, humiliating, or degrading acts toward the dependent adult. | <p>Sexual Abuse in First Degree</p> <p>1: Victim is a dependent adult.</p> | <p>Sexual Abuse: Incest</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as a result of acts or omissions of caretaker.</p> <p>3: Sexual intercourse occurred with dependent adult.</p> <p>4: Perpetrator knows dependent adult is related, legitimately or illegitimately, as</p> | <p>Sexual Abuse: Sexual Exploitation* by Counselor or Therapist</p> <p>1: Victim is a dependent adult.</p> <p>2: Abuse occurred as result of acts or omissions of caretaker.</p> <p>3: Perpetrator is or has been within the past year, a counselor or therapist providing mental health services to dependent adult.</p> |

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| <p>4: Sexual conduct occurred between dependent adult and perpetrator, or there was a pattern of practice or scheme by perpetrator to engage in sexual conduct with dependent adult, including following:</p> <ul style="list-style-type: none"> • Kissing, or • Touching clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes or genitals, or • A sex act. <p>5: Intent of perpetrator to arouse sexual desires of counselor or dependent adult.</p> <p>6: Evidence of conduct of perpetrator not part of necessary examination or treatment to dependent adult within scope of practice or employment of counselor or therapist.</p> <p>Note: This definition includes staff in residential facilities who have the title of “counselor,” “treatment worker,” “therapist,” “cottage parent,” or other terms designating a position of authority over, and responsibility for, treatment services to dependent adults who are residing in the setting even if these persons do not have professional degrees or training.</p> | <ul style="list-style-type: none"> • Theft; or • Undue influence; or • Harassment; or • Under duress (compulsion by threat); or • Deception; or • False representation; or • False pretenses. <p>4: Dependent adult did not give informed consent to the use of dependent adult’s physical or financial resources or to the transaction when taken advantage of by perpetrator.</p> <p>5: Transaction was for personal or pecuniary profit of perpetrator.</p> | <p>Failure to Provide Adequate Medical Care</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred as result of acts or omissions of caretaker. 3: Dependent adult lacks adequate medical care. 4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide adequate medical care. 6: Failure to provide medical care not based on dependent adult’s religious beliefs. | <p>5: Dependent adult or caretaker has financial means or has been offered financial means to provide adequate supervision.</p> <p>Failure to Provide Adequate Physical Care</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred due to acts or omissions of caretaker. 3: Dependent adult lacks adequate physical care. 4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide adequate physical care. <p>CONFIRMED PHYSICAL ABUSE WITH INJURY, NOT REGISTERED</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred due to acts or omissions of caretaker. 3: Dependent adult suffered physical injury requiring healing process. 4: Physical injury is not accidental or is at variance with the history given. 5: Physical injury is minor. 6: Physical injury is isolated. 7: Physical injury is unlikely to reoccur. <p>Note: “Minor” physical injuries may include injuries such as red marks and faint bruising, taking into account the frailty of the dependent adult and the size and location of the injury.</p> | <p>threatening manner toward the dependent adult.</p> <ol style="list-style-type: none"> 4: Physical assault is minor. 5: Physical assault is isolated. 6: Physical assault is unlikely to reoccur. <p>CONFIRMED DENIAL OF CRITICAL CARE, NOT REGISTERED</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Occurred as result of acts or omissions of caretaker. 3: Dependent adult does not have adequate food, shelter, clothing, medical care, mental health care, supervision, physical care or emotional needs are not met. 4: Deprivation of care resulted in immediate or potential injury to the dependent adult. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide care. 6: Denied care is minor. 7: Denied care is isolated. 8: Denied care is unlikely to reoccur. <p>Examples of minor:</p> <ul style="list-style-type: none"> • The denied care was of short duration. • The dependent adult did not die or have an injury as a result of the denied care. The dependent adult’s medical condition was stable and not acute. |
| <p>Sexual Exploitation* by Caretaker</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Perpetrator is caretaker providing services to dependent adult. 3: Sexual exploitation (any consensual or nonconsensual act) occurred, including: <ul style="list-style-type: none"> • Kissing; or • Touching the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; or <p>Note: This does not include touching between spouses.</p> <ul style="list-style-type: none"> • A sex act. • Transmission, display, or taking of electronic images of unclothed breast, groin, buttock, anus, pubes, or genitals of dependent adult by caretaker for purpose not related to treatment or diagnosis or as part of ongoing assessment, evaluation or investigation. | <p>DENIAL OF CRITICAL CARE</p> <p>Failure to Provide Adequate Food</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred due to actions or omissions of caretaker. 3: Dependent adult does not have adequate food. 4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide food. <p>Failure to Provide Adequate Shelter</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred as a result of acts or omissions of caretaker. 3: Dependent adult lacks adequate shelter. 4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide shelter. | <p>Failure to Provide Adequate Necessary Mental Health Care</p> <ol style="list-style-type: none"> 1: The victim is a dependent adult. 2: Abuse occurred as result of acts or omissions of caretaker. 3: Dependent adult has serious mental health condition. 4: Caretaker refuses to obtain mental health evaluation or treatment. 5: Dependent adult or caretaker has financial means or has been offered other means to provide adequate mental health care. <p>Failure to Meet Emotional Needs Necessary for Normal Functioning</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred due to acts or omissions of caretaker. 3: Dependent adult has gross functioning abnormalities resulting from failure to meet emotional needs. 4: Dependent adult has suffered mental or emotional injury resulting from failure to meet adult’s emotional needs. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide necessary emotional needs of dependent adult. | <p>CONFIRMED PHYSICAL ABUSE WITH ASSAULT, NOT REGISTERED</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred due to acts or omissions of caretaker. 3: Dependent adult suffered assault due to one of the following: <ul style="list-style-type: none"> • Act committed intended to cause pain or injury or intended to result in physical contact which is insulting or offensive to dependent adult, <i>with ability to execute act</i>; or • Act committed intended to place dependent adult in fear of immediate physical contact which will be painful, injurious, insulting or offensive, <i>with ability to execute act</i>; or • Intentionally pointed any firearm toward the dependent adult or displayed any dangerous weapon in a | <p>Endnotes:</p> <ul style="list-style-type: none"> * Mentally incapacitated: A person temporarily incapable of apprising or controlling the person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance. * Physically helpless: A person unable to communicate unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited. * Physically incapacitated: A person has a bodily impairment or handicap that substantially limits the person’s ability to resist or flee. * Sexual exploitation does not include: <ul style="list-style-type: none"> • Touching which is part of necessary examination, treatment or care by caretaker acting within scope of practice or employment. • Exchange of brief touch or hug between dependent adult and caretaker for purpose of reassurance, comfort, or casual friendship. • Touching between spouses. |
| <p>EXPLOITATION</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred as result of acts or omissions of caretaker. 3: Dependent adult or dependent adult’s physical or financial resources were taken advantage of by perpetrator by one of the following: | <p>Failure to Provide Adequate Clothing</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred as result of acts or omissions of caretaker. 3: Dependent adult lacks adequate clothing necessary for dependent adult’s health and welfare. 4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death. 5: Dependent adult or caretaker has financial means or has been offered financial means to provide clothing. | <p>Failure to Provide Proper Supervision</p> <ol style="list-style-type: none"> 1: Victim is a dependent adult. 2: Abuse occurred due to acts or omissions of caretaker. 3: Dependent adult not provided adequate supervision reasonable and prudent person would provide in similar circumstances. 4: Dependent adult is in immediate or potential danger to health or safety which could result in injury or death. | | |