



# Iowa Department of Human Services

Terry E. Branstad  
Governor

Kim Reynolds  
Lt. Governor

Charles M. Palmer  
Director

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## GENERAL LETTER NO. 16-G-AP-38

ISSUED BY: Bureau of Child Welfare and Community Services,  
Division of Adult, Children and Family Services

SUBJECT: Employees' Manual, Title 16, Chapter G, **DEPENDENT ADULT PROTECTIVE SERVICES APPENDIX**, Contents (page 1), revised; page 44, new; and the following:

RC-0126 *Factoring Dependent Adult Abuse Desk Aid*, revised  
Comm. 96 *Dependent Adult Protection Handbook*, Title page, revised;  
Contents (page ii), revised; and pages 9, 17 through 20,  
29, 31 through 38, 40a, 41, 44, 46, 48, 49, 51, 53, 55,  
57, and 64, revised  
Comm. 483 *Dependent Adult Protection*, new

### Summary

Chapter 16-G-Appendix is revised to:

- ◆ Update RC-0126, *Factoring Dependent Adult Abuse Desk Aid*.
- ◆ Reflect factoring changes in Comm. 96, *Dependent Adult Protection Handbook*.
- ◆ Add Comm. 483, *Dependent Adult Protection*.

### Effective Date

Immediately.

### Material Superseded

This material replaces the following pages from Employees' Manual, Title 16, Chapter G, Appendix:

<u>Page</u>	<u>Date</u>
Contents (page 1)	June 17, 2016
RC-0126	11/11
<b>Comm. 96</b>	
Title page	July 2012
Contents (p. ii)	July 2012
9	April 2009

17, 18	July 2007
19	July 1998
20	September 2005
29	July 1998
31	July 2004
32	July 1998
33-38	July 2010
40a	June 2006
41	April 2009
44, 46, 48, 49, 51, 53, 55, 57	July 1998
64	July 2007

**Additional Information**

Refer questions about this general letter to your area social work administrator.

	<u>Page</u>
Suspected Dependent Adult Abuse Report, Form 470-2441 .....	1
Dependent Adult Abuse Intake, Form 470-0657 .....	2
Dependent Adult Abuse Notice of Intake Decision, 470-3944 .....	8
Notice Concerning Suspected Abuse, Form 470-4800.....	8a
Dependent Adult Abuse Information Request, Form 470-3326.....	8b
Dependent Adult Abuse Checklist for Facility, Agency or Program, Form 470-3860 .....	8c
Dependent Adult Assessment Tool, Form 470-4841.....	8d
Safety Plan for At-Risk Adult, Form 470-4835.....	8e
Dependent Adult Protective Extension Notification, Form 470-3246.....	9
Dependent Adult Abuse Evaluation or Assessment Report, Form 470-0688 .....	10
Dependent Adult Abuse Report Request for Extension, Form 470-0627 .....	16
Record of Emergency Protective Court Orders Served, Form 470-5067 .....	17
Adult Protective Notification, Form 470-2444.....	18
Request for Child and Dependent Adult Abuse Information, Form 470-0643.....	19
Multidisciplinary Team (MDT) Agreement, Form 470-2328 .....	20
Periodic Visit Documentation, Form 470-4837 .....	21
Authorization for Release of Child and Dependent Adult Abuse Information, Form 470-3301 and 470-3301(S).....	22
Record Check Evaluation, Form 470-2310 and 470-2310(S) .....	33
Access to Confidential Abuse Information and Non-Redissemination Agreement, Form 470-3767.....	34
Review Decision for Dependent Adult Abuse, Form 470-4074.....	35
Dependent Adult Abuse Intake Guidance Tool, Form 470-4456.....	36
Appeal Hearing Preparation Guide, RC-0127 .....	37
Factoring Dependent Adult Abuse Desk Aid, RC-0126.....	38
Multidisciplinary Team Practice Guidance, RC-0131 .....	39
Dependent Adult Abuse Dissemination Desk Aid, RC-0135.....	40
Dependent Adult Protection Handbook, Comm. 96.....	41
Dependent Adult Abuse: A Guide for Mandatory Reporters, Comm. 118 .....	42
Facility, Agency, and Program Evaluation Handbook, Comm. 195 .....	43
Dependent Adult Protection, Comm. 482.....	44



## Factoring Dependent Adult Abuse Desk Aid

ADULT IS DEPENDENT	PHYSICAL ABUSE			
<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"> <li>An inability to protect their own interests; or</li> <li>An inability to adequately perform or obtain services to meet essential needs.</li> </ul> <p><b>Note:</b> 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 <b>and</b> injury occurred during the commission of the sex act.</p> <p>5: One of the following exists:</p> <ul style="list-style-type: none"> <li>Sex act done by force or against will of dependent adult; <b>or</b></li> <li>Dependent adult lacks mental capacity precluding giving consent or having capacity of knowing right or wrong of conduct of sexual matters.</li> </ul>	<p>incapacitated, physically incapacitated, or physically helpless*; <b>or</b></p> <ul style="list-style-type: none"> <li>The sex act is performed while the dependent adult is under the influence of a controlled substance</li> </ul> <p><b>AND ALL OF THE FOLLOWING ARE TRUE:</b></p> <ul style="list-style-type: none"> <li>The controlled substance prevents the victim from consenting to the act.</li> <li>The caretaker knows or reasonably should have known the victim was under the influence of the controlled substance.</li> </ul>	<p>an ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, niece or nephew.</p>
<b>DETERMINING CARETAKER STATUS</b>	<b>Physical Abuse: Assault</b>	<b>Sexual Abuse in Second Degree</b>	<b>AND ALL OF THE FOLLOWING ARE TRUE:</b>	<b>Sexual Abuse: Indecent Exposure</b>
<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"> <li>Person assuming role voluntarily.</li> <li>Person agreeing to provide services through a contract.</li> <li>Person agreeing to provide services through employment.</li> <li>Person is court-ordered as responsible for dependent adult.</li> </ul>	<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"> <li>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>; <b>or</b></li> <li>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>; <b>or</b></li> <li>Intentionally pointed any firearm toward the dependent adult or displayed any dangerous weapon in a threatening manner toward the dependent adult.</li> </ul>	<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"> <li>Perpetrator displayed a deadly weapon threateningly during commission of sex act; <b>or</b></li> <li>Perpetrator used or threatened force which created risk of health or serious injury; <b>or</b></li> <li>Perpetrator aided or abetted by others in committing sex act <b>and</b> sex act was committed by force or against will of dependent adult.</li> </ul>	<p><b>Note:</b> 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>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"> <li>Perpetrator exposed pubes or genitals to dependent adult; <b>or</b></li> <li>Perpetrator committed sex act in view of dependent adult.</li> </ul>
<b>SELF-DENIAL OF CRITICAL CARE</b>	<b>Physical Abuse: Unreasonable Confinement or Punishment</b>	<b>Sexual Abuse in Third Degree</b>	<b>Sexual Abuse: Assault with Intent to Commit Sexual Abuse</b>	<b>Invasion of Privacy – Nudity</b>
<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"> <li>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</li> <li>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.</li> </ul> <p>4: Dependent adult is financially able to purchase services or been offered financial and other reasonable means to provide services.</p>	<p><b>Note:</b> 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>5: One of following exists:</p> <ul style="list-style-type: none"> <li>Sex act done by force or against dependent adult's will; <b>or</b></li> <li>Dependent adult lacks mental capacity which precludes giving consent or knowing right or wrong of conduct of sexual matters.</li> </ul>	<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"> <li>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; <b>or</b></li> <li>Any act intended to place victim in fear of immediate physical contact which will be painful, injurious, or offensive with ability to execute act; <b>or</b></li> <li>Perpetrator intentionally pointed any firearm toward victim, or displayed any dangerous weapon toward victim in threatening manner.</li> </ul>	<p>4: Act done with intent to arouse or satisfy sexual desires of perpetrator or dependent adult <b>AND</b> perpetrator knows or should know the act was offensive to dependent adult.</p> <p>5: Perpetrator and dependent adult not cohabiting as spouses.</p>
	<b>Sexual Abuse: Sexual Abuse in First Degree</b>		<b>Sexual Abuse: Incest</b>	<b>Sexual Abuse: Sexual Exploitation* by Counselor or Therapist</b>
	<p>1: Victim is a dependent adult.</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"> <li>Sex act done by force or against will of dependent adult, whether or not the caretaker is the victim's spouse; <b>or</b></li> <li>The sex act is between persons who are not cohabiting as spouses and the victim has a mental incapacity which precludes giving consent; <b>or</b></li> <li>The sex act is performed while the dependent adult is mentally</li> </ul>	<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>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>4: Sexual conduct occurred between dependent adult and perpetrator, <b>or</b> 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"> <li>• Kissing, <b>or</b></li> <li>• Touching clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes or genitals, <b>or</b></li> <li>• A sex act.</li> </ul> <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><b>Note:</b> 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"> <li>• Theft; or</li> <li>• Undue influence; or</li> <li>• Harassment; or</li> <li>• Under duress (compulsion by threat); or</li> <li>• Deception; or</li> <li>• False representation; or</li> <li>• False pretenses.</li> </ul> <p>4: Dependent adult <b>did not give informed consent</b> 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><b>Failure to Provide Adequate Medical Care</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred as result of acts or omissions of caretaker.</li> <li>3: Dependent adult lacks adequate medical care.</li> <li>4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide adequate medical care.</li> <li>6: Failure to provide medical care not based on dependent adult’s religious beliefs.</li> </ol>	<p>5: Dependent adult or caretaker has financial means or has been offered financial means to provide adequate supervision.</p> <p><b>Failure to Provide Adequate Physical Care</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred due to acts or omissions of caretaker.</li> <li>3: Dependent adult lacks adequate physical care.</li> <li>4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide adequate physical care.</li> </ol> <p><b>CONFIRMED PHYSICAL ABUSE WITH INJURY, NOT REGISTERED</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred due to acts or omissions of caretaker.</li> <li>3: Dependent adult suffered physical injury requiring healing process.</li> <li>4: Physical injury is not accidental or is at variance with the history given.</li> <li>5: Physical injury is minor.</li> <li>6: Physical injury is isolated.</li> <li>7: Physical injury is unlikely to reoccur.</li> </ol> <p><b>Note:</b> “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"> <li>4: Physical assault is minor.</li> <li>5: Physical assault is isolated.</li> <li>6: Physical assault is unlikely to reoccur.</li> </ol> <p><b>CONFIRMED DENIAL OF CRITICAL CARE, NOT REGISTERED</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Occurred as result of acts or omissions of caretaker.</li> <li>3: Dependent adult does not have adequate food, shelter, clothing, medical care, mental health care, supervision, physical care or emotional needs are not met.</li> <li>4: Deprivation of care resulted in immediate or potential injury to the dependent adult.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide care.</li> <li>6: Denied care is minor.</li> <li>7: Denied care is isolated.</li> <li>8: Denied care is unlikely to reoccur.</li> </ol> <p>Examples of minor:</p> <ul style="list-style-type: none"> <li>• The denied care was of short duration.</li> <li>• 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.</li> </ul>
<p><b>Sexual Exploitation* by Caretaker</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Perpetrator is caretaker providing services to dependent adult.</li> <li>3: Sexual exploitation (any consensual or nonconsensual act) occurred, including: <ul style="list-style-type: none"> <li>• Kissing; <b>or</b></li> <li>• Touching the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes, or genitals; <b>or</b></li> </ul> </li> </ol> <p><b>Note:</b> This does not include touching between spouses.</p> <ul style="list-style-type: none"> <li>• A sex act.</li> <li>• 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.</li> </ul>	<p><b>DENIAL OF CRITICAL CARE</b></p> <p><b>Failure to Provide Adequate Food</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred due to actions or omissions of caretaker.</li> <li>3: Dependent adult does not have adequate food.</li> <li>4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide food.</li> </ol> <p><b>Failure to Provide Adequate Shelter</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred as a result of acts or omissions of caretaker.</li> <li>3: Dependent adult lacks adequate shelter.</li> <li>4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide shelter.</li> </ol>	<p><b>Failure to Provide Adequate Necessary Mental Health Care</b></p> <ol style="list-style-type: none"> <li>1: The victim is a dependent adult.</li> <li>2: Abuse occurred as result of acts or omissions of caretaker.</li> <li>3: Dependent adult has serious mental health condition.</li> <li>4: Caretaker refuses to obtain mental health evaluation or treatment.</li> <li>5: Dependent adult or caretaker has financial means or has been offered other means to provide adequate mental health care.</li> </ol> <p><b>Failure to Meet Emotional Needs Necessary for Normal Functioning</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred due to acts or omissions of caretaker.</li> <li>3: Dependent adult has gross functioning abnormalities resulting from failure to meet emotional needs.</li> <li>4: Dependent adult has suffered mental or emotional injury resulting from failure to meet adult’s emotional needs.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide necessary emotional needs of dependent adult.</li> </ol>	<p><b>CONFIRMED PHYSICAL ABUSE WITH ASSAULT, NOT REGISTERED</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred due to acts or omissions of caretaker.</li> <li>3: Dependent adult suffered assault due to one of the following: <ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• Intentionally pointed any firearm toward the dependent adult or displayed any dangerous weapon in a</li> </ul> </li> </ol>	<p><b>Endnotes:</b></p> <ul style="list-style-type: none"> <li>* <b>Mentally incapacitated:</b> A person temporarily incapable of apprising or controlling the person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance.</li> <li>* <b>Physically helpless:</b> A person unable to communicate unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited.</li> <li>* <b>Physically incapacitated:</b> A person has a bodily impairment or handicap that substantially limits the person’s ability to resist or flee.</li> <li>* <b>Sexual exploitation does not include:</b> <ul style="list-style-type: none"> <li>• Touching which is part of necessary examination, treatment or care by caretaker acting within scope of practice or employment.</li> <li>• Exchange of brief touch or hug between dependent adult and caretaker for purpose of reassurance, comfort, or casual friendship.</li> <li>• Touching between spouses.</li> </ul> </li> </ul>
<p><b>EXPLOITATION</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred as result of acts or omissions of caretaker.</li> <li>3: Dependent adult or dependent adult’s physical or financial resources were <b>taken advantage of</b> by perpetrator by one of the following:</li> </ol>	<p><b>Failure to Provide Adequate Clothing</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred as result of acts or omissions of caretaker.</li> <li>3: Dependent adult lacks adequate clothing necessary for dependent adult’s health and welfare.</li> <li>4: Dependent adult in immediate or potential danger to health or safety which could result in injury or death.</li> <li>5: Dependent adult or caretaker has financial means or has been offered financial means to provide clothing.</li> </ol>	<p><b>Failure to Provide Proper Supervision</b></p> <ol style="list-style-type: none"> <li>1: Victim is a dependent adult.</li> <li>2: Abuse occurred due to acts or omissions of caretaker.</li> <li>3: Dependent adult not provided adequate supervision reasonable and prudent person would provide in similar circumstances.</li> <li>4: Dependent adult is in immediate or potential danger to health or safety which could result in injury or death.</li> </ol>		

# DEPENDENT ADULT PROTECTION HANDBOOK



Prepared by:  
Division of Adult, Children and Family Services  
Bureau of Child Welfare and Community Services

Founded Sexual Abuse: Assault With Intent to Commit Sexual Abuse.....	33
Founded Sexual Abuse: Incest .....	34
Founded Sexual Abuse: Indecent Exposure .....	35
Founded Sexual Abuse: Sexual Exploitation by a Counselor or Therapist .....	36
Founded Sexual Exploitation of a Dependent Adult by a Caretaker.....	39
Founded Sexual Abuse: Invasion of Privacy - Nudity.....	40a
Sexual Abuse: Resources and Decision-Making Questions .....	40b
Founded Exploitation .....	41
Founded Denial of Critical Care: Failure to Provide Adequate Food.....	44
Founded Denial of Critical Care: Failure to Provide Adequate Shelter.....	46
Founded Denial of Critical Care: Failure to Provide Adequate Clothing.....	48
Founded Denial of Critical Care: Failure to Provide Adequate Medical Care.....	49
Founded Denial of Critical Care: Failure to Provide Necessary Mental Health Care.....	51
Founded Denial of Critical Care: Failure to Meet Emotional Needs Necessary for Normal Functioning.....	53
Founded Denial of Critical Care: Failure to Provide Proper Supervision.....	55
Founded Denial of Critical Care: Failure to Provide Adequate Physical Care.....	57
Confirmed Physical Abuse With Injury, Not Registered .....	58
Confirmed Physical Abuse With Assault, Not Registered .....	61
Confirmed Denial of Critical Care, Not Registered.....	63
Constructs of Safety.....	66
Assessing Safety.....	66
Threats of Abuse or Neglect.....	66
Dependent Adult Strengths and Vulnerability.....	67
Caretaker's Protective Capacity .....	69
Assessing Caretaker's Actions.....	71
Assessing Environmental Protective Capacities .....	72

**NOTE:** A caretaker who has the power of attorney for health care decisions and is not a relative may be violating Iowa Code Section 144B.4, which states:

“The following individuals shall not be designated as the attorney in fact to make health care decisions under a durable power of attorney for health care:

- ◆ A health care provider attending the principal on the date of the execution.
- ◆ An employee of a health care provider attending the principal on the date of execution unless the individual to be designated is related to the principal by blood, marriage, or adoption within the third degree of consanguinity.”

If you discover a caretaker whom is not a relative as described above and is acting as power-of-attorney for health care decisions for a dependent adult, notify the county attorney. **This does not apply to power of attorney for financial matters.** There is no legal prohibition against caretakers having power of attorney for financial matters, whether related or not.

#### **If Dependent Adult Is Responsible for Self-Denial of Critical Care (Assessment)**

To determine whether the dependent adult is responsible for self-denial of critical care, consider the following:

- ◆ Consider if the dependent adult has a pattern of depriving self of the minimum needs in the following areas: food, shelter, medical care, money management, or mental health care.
- ◆ Determine if a significant event occurred that brought the dependent adult’s self-deprivation minimum needs for food, shelter, clothing, supervision, physical or mental health care, or other care necessary to maintain life or health to the attention of the reporter.
- ◆ A dependent adult has the right to make unhealthy choices, as long as they are not health or life-threatening. Living in a dirty house or eating junk food is not self-denial of critical care, unless it is a deprivation of the minimum standard to maintain the dependent adult’s life or health.
- ◆ If you determine that the dependent adult is not responsible for self-denial of critical care, it may be appropriate to refer the reporter to services or to other community resources.

## SECTION 3: DETERMINING REPORT CONCLUSIONS

When you formulate evaluation or assessment conclusions:

- ◆ Review all the information which relates to making a finding for the particular type of abuse that was alleged (including accumulated evidence and manual guidelines), and
- ◆ List the factors and supporting evidence for each factor in the “CONCLUSIONS” section of the report.

Each category of dependent adult abuse has its own unique factors. However, there are two factors which are the same for all reports:

- ◆ The alleged victim is a dependent adult. Clearly state and provide documentation why the person is or is not dependent.
- ◆ The abuse occurred as the result of acts or omissions of the caretaker or of the dependent adult. The conclusions must clearly explain why the alleged perpetrator is or is not a caretaker for the dependent adult or why the dependent adult, is responsible for self-denial of critical care.
- ◆ Self-denial of critical care factoring should be used for all self-denial of critical care allegations.

When there is more than one type of abuse alleged, the report must address each type of abuse. The conclusions must document that the factors for each type of abuse were considered.

This section explains the standards for determining whether an allegation is founded, unfounded, or confirmed, not registered, and the conclusions necessary to show credible evidence of each factor required for founding each type of abuse.

### **FOUNDED, UNFOUNDED, OR CONFIRMED, NOT REGISTERED REPORTS**

**Founded reports** must contain all of the following:

- ◆ A preponderance (more than 50%) of evidence that the allegations are true,
- ◆ Credible evidence to support the presence of each factor necessary to determine that this type of abuse occurred.

**Unfounded reports** must demonstrate the following:

- ◆ A preponderance (more than 50%) of evidence that the allegations are not true, or
- ◆ Insufficient evidence to conclude that the allegations are true, or
- ◆ Absence of at least one of the factors necessary to determine that this type of abuse occurred.

**Confirmed, not registered** reports must contain all of the following:

- ◆ A preponderance of evidence (more than 50%) of evidence the allegations are true.
- ◆ Credible evidence to support the presence of each factor necessary to determine physical abuse or denial of critical care has occurred.
- ◆ Credible evidence to support the conclusion the physical abuse or denial of critical care was minor, isolated and unlikely to reoccur.

## FINDING THAT THE ADULT IS DEPENDENT

In order to found a dependent adult abuse report, the conclusions must describe clearly why the adult is dependent. Credible evidence that a person is a dependent adult may include the following:

- ◆ Documentation of the person's age or birth date.
- ◆ A credible person's verification of the person's age or birth date.
- ◆ A description of the reason the person is dependent.
- ◆ A description of what the caretaker does for the person and what the person cannot do alone.
- ◆ A medical or mental health diagnosis. Note that a diagnosis may be helpful, but does not in itself mean the adult is dependent. For example, a person diagnosed as having diabetes may or may not be able to meet basic human needs.

**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.

## FINDING A CARETAKER RESPONSIBLE

To establish that the person responsible for the abuse was the caretaker of the dependent adult, describe the relationship between that person and the dependent adult.

- ◆ If the person is receiving money to provide care to the dependent adult, or if the court has ordered that the person is responsible for the dependent adult, state that in the conclusions.
- ◆ If there is a contract describing services the person is providing for the dependent adult, state that in the conclusions.
- ◆ If the person has assumed the role of the caretaker, describe specifically what the person does to provide services to the dependent adult. State in the conclusions how often the services are performed and what would happen if the person discontinued the care.

## **FINDING A DEPENDENT ADULT RESPONSIBLE FOR SELF-DENIAL OF CRITICAL CARE**

To establish that the dependent adult is responsible for self-denial of critical care, describe in the report conclusions:

- ◆ A pattern of the dependent adult being denied essential food, shelter, clothing, supervision, physical or mental health care, or other care necessary for the dependent adult's health and welfare.
- ◆ The significant event that occurred that brought the dependent adult's situation to the attention of the reporter (especially if there is not a pattern of self-denial of critical care).

In order to found self-denial of critical care, conclusions must include a statement that the dependent adult is financially able to purchase services or has been offered financial and other reasonable means to provide services.

A dependent adult has the right to make unhealthy choices if they are not deprived of the minimum standard to maintain life or health. Living in a dirty house or eating junk food, in and of itself, is not self-denial of care.

**Note: A founded report of self-denial of critical care does not result in the dependent adult's name going on the Registry as a founded perpetrator.** The data on the report is kept in the Registry for statistical purposes, but the narrative of the report is kept in the local office in the ongoing service case, if there is one.

## FOUNDED SEXUAL ABUSE: SEXUAL ABUSE IN THE SECOND DEGREE

For a situation to be founded as sexual abuse in the second degree, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** A **sex act** has been committed with the dependent adult. Credible evidence may include one of the following:

- ◆ Information provided by a credible perpetrator or victim. Information obtained should include a precise description of the type of sex act that occurred.
- ◆ Observation of the sex act by a credible person. Information obtained should include a precise description of the type of sex act that occurred.
- ◆ Diagnosis or verification by competent medical practitioner of the presence of genital injuries or disease which could not exist in the absence of a sex act.
- ◆ Verification by competent professional of the presence of perpetrator's sperm in the dependent adult's anus, mouth, vagina, or genital area.
- ◆ Verification by a competent professional of the presence of body tissue of perpetrator on the dependent adult or body tissue of dependent adult on perpetrator, which could not have occurred in the absence of sex act.

| **Factor 4.** **One of the following** acts occurred, based on credible evidence:

- ◆ The perpetrator **displayed a deadly weapon** threateningly during commission of the sex act, **OR**
- ◆ The perpetrator **used or threatened force** which created risk of health or serious injury, **OR**
- ◆ The perpetrator was **aided or abetted by others** in committing the sex act **AND** the sex act was committed by force or against the will of the dependent adult.

## FOUNDED SEXUAL ABUSE: FOUNDED SEXUAL ABUSE IN THE THIRD DEGREE

For a situation to be founded as sexual abuse in the third degree, the report must include credible evidence of **four** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** A **sex act** has been committed with the dependent adult. Credible evidence may include one of the following:

- ◆ Information provided by credible perpetrator or victim. The information obtained should include a precise description of the type of sex act.
- ◆ Observation of the sex act by a credible person. The information obtained should include a precise description of the activity which occurred.
- ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries or disease which could not exist in the absence of a sex act.
- ◆ Verification by a competent professional of the presence of the perpetrator's sperm in the dependent adult's anus, mouth, vagina or genital area.
- ◆ Verification by a competent professional of the presence of body tissue of the perpetrator on the dependent adult or body tissue of the dependent adult on the perpetrator which could not have occurred in absence of a sex act.

**Factor 4.** **One or more of the following** conditions exists, based on credible evidence:

- ◆ The sex act was done by force or against the will of the dependent adult whether or not the perpetrator is the person's spouse or is cohabiting with the dependent adult; **OR**
- ◆ The sex act is between persons who are **NOT** cohabiting as spouses and the victim has a mental incapacity which precludes giving consent.

- ◆ The sex act is performed while the dependent adult is under the influence of a controlled substance and all of the following are true:
  - 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 a controlled substance.
- ◆ The dependent adult has a **mental incapacity** which precludes giving consent or knowing the right and wrong of conduct of sexual matters which can include that the sex act is performed while the dependent adult is mentally incapacitated, physically incapacitated, or physically helpless.

**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.

## FOUNDED SEXUAL ABUSE: ASSAULT WITH INTENT TO COMMIT SEXUAL ABUSE

For a situation to be founded as sexual abuse: assault with intent to commit sexual abuse, the report must include credible evidence of **four** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** **One of the following acts** occurred to the dependent adult without justification, based on credible evidence:

- ◆ Any act which is intended to cause **pain or injury** to the victim, or which is intended to result in physical contact which will be **insulting or offensive** to the victim, coupled with the apparent ability to execute the act, **OR**
- ◆ Any act which is intended to place the victim in **fear of immediate physical contact** which will be **painful, injurious, or offensive**, coupled with the apparent ability to execute the act, **OR**
- ◆ Intentionally **pointing any firearm** toward the victim, **or displaying any dangerous weapon** toward the victim in a threatening manner.

**Note:** The act is not an assault when

- ◆ The person doing any of the above and the other person are voluntarily participants in a sport, social, or other activity, not in itself criminal, **and**
- ◆ The act is a reasonably foreseeable outcome of the sport or activity and does not create an unreasonable risk of serious injury or breach of the peace.

**Factor 4.** The perpetrator of the act had **intent to commit sexual abuse**, based on credible evidence. Credible evidence may include:

- ◆ Statements of dependent adult, the person allegedly responsible for the abuse or witnesses, or
- ◆ Circumstantial evidence which would indicate the intent of the alleged perpetrator to commit sexual abuse.

## FOUNDED SEXUAL ABUSE: INCEST

For a situation to be founded as sexual abuse: incest, the report must include credible evidence of **four** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** **Sexual intercourse** has occurred with the dependent adult. Credible evidence may include one of the following:

- ◆ Information provided by a credible person allegedly responsible for the abuse or victim. Information obtained should include a precise description of the type of activity in which the participants engaged.
- ◆ Observation of sexual intercourse by a credible person.
- ◆ Diagnosis or verification by a competent medical practitioner of the presence of genital injuries or disease which could not exist in the absence of sexual intercourse.
- ◆ Verification by a competent professional of the presence of perpetrator's sperm in the dependent adult's vagina or genital area. Or, for a female perpetrator, verification by a competent professional of the presence of the dependent adult's sperm in the perpetrator's vagina or genital area.
- ◆ Verification by competent professional of the presence of body tissue of the perpetrator on the dependent adult, or body tissue of the dependent adult on the perpetrator, which could not exist in absence of sexual intercourse.

**Factor 4.** The perpetrator knows the dependent adult is **related**, legitimately or illegitimately, as an ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, niece, or nephew, based on evidence from a credible person.

## FOUNDED SEXUAL ABUSE: INDECENT EXPOSURE

For a situation be founded as sexual abuse: indecent exposure, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** **One of the following acts** occurred, based on evidence from a credible person.

- ◆ The perpetrator exposed pubes or genitals to the dependent adult **OR**
- ◆ The perpetrator committed a sex act in view of the dependent adult.

Credible evidence may include statements of the victim, person allegedly responsible for the abuse, or witnesses that the person allegedly responsible for the abuse did expose pubes or genitals to the dependent adult or did commit a sex act with the dependent adult in the presence or view of another person or with another person in the presence or view of the dependent adult.

**Factor 4.** The act was done with the **intent to arouse or satisfy sexual desires** of the perpetrator or the dependent adult, **AND** that the perpetrator knows or should have known the act was **offensive** to the dependent adult. Evidence must be credible.

**Factor 5.** The perpetrator and victim are **not cohabiting as spouses**. (If one spouse is living in a health care setting, the couple is not cohabitating.) Evidence must be credible.

## FOUNDED SEXUAL ABUSE: SEXUAL EXPLOITATION BY A COUNSELOR OR THERAPIST

For a situation to be founded as sexual abuse: sexual exploitation of a dependent adult by a counselor or therapist, the report must include credible evidence of **six** factors. They are:

**Factor 1.** The alleged victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The alleged perpetrator is currently (or has been within the past year) a **counselor or therapist providing mental health services** to the dependent adult. Credible evidence may include statements that the dependent adult and the alleged perpetrator have now or had within the past year a counseling or therapeutic relationship from:

- ◆ The dependent adult,
- ◆ The dependent adult's caretakers,
- ◆ The dependent adult's social worker, or
- ◆ Administrative staff at the facility where the dependent adult lives or receives counseling or therapy (or did so in the past).

**"Counselor or therapist"** means a physician, psychologist, nurse, professional counselor, social worker, marriage or family therapist, alcohol or drug counselor, member of the clergy, or any other person, whether or not licensed or registered by the state, who provides or purports to provide mental health services.

**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 facility, even if these persons do not have professional degrees or training.

**“Mental health service”** means the treatment, assessment, or counseling of another person for a cognitive, behavioral, emotional, mental or social dysfunction, including an intrapersonal or interpersonal dysfunction.

**Factor 4. Sexual conduct** occurred between the dependent adult patient or client (or former patient or client) and the alleged perpetrator, OR there was a pattern or practice or scheme on the part of the alleged perpetrator to engage in sexual conduct with the dependent adult patient/client (or former patient/client), including the following:

- ◆ Kissing
- ◆ Touching of the clothed or unclothed inner thigh, breast, groin, buttock, anus, pubes or genitals
- ◆ A sex act. (See DEFINITIONS section of this handbook.)

Credible evidence may include:

- ◆ Statements of the dependent adult, alleged perpetrator or witnesses that at least one of the above did occur between the dependent adult and the alleged perpetrator.
- ◆ Statements of the dependent adult, alleged perpetrator or witnesses that the alleged perpetrator had been planning with the dependent adult to engage in at least one of the above.
- ◆ Written statements of the dependent adult or alleged perpetrator in the form of notes or letters to each other or to other persons which would lead a reasonable person to infer that sexual conduct between the two had happened or was being planned.

**Note:** In most sexual abuse cases involving caretakers and dependent adults, one of the other sexual offenses would be present. This is the only type of sexual abuse in which an alleged perpetrator may receive a conclusion of “founded” dependent adult abuse for kissing or attempting to seduce a dependent adult.

Such behavior might not be considered a sexual offense under ordinary circumstances, but in a therapeutic relationship it does take on more serious overtones. In that situation, it has exploitative and potentially damaging aspects, even if no sex act ever happens, and the dependent adult victim is not frightened or “offended” by the behavior.

**Factor 5.** The **intent** of the alleged perpetrator was to arouse or satisfy the sexual desires of either the counselor/therapist or the dependent adult patient/client. Credible evidence may include:

- ◆ Statements of the dependent adult, the alleged perpetrator or witnesses, or circumstantial evidence which indicates that the actions of the alleged perpetrator were performed with the dependent adult for the purpose of arousing or satisfying the sexual desires of either of them.
- ◆ Physical evidence which indicates that alleged perpetrator was sexually aroused during contact with the dependent adult, such as suggestive photographs or other depictions of the dependent adult, or letters describing the sexual feelings of the alleged perpetrator toward the dependent adult.
- ◆ Observation by persons having knowledge of the therapeutic relationship (such as others in treatment, coworkers of alleged perpetrator, the dependent adult's family, etc.) of the appearance, behavior, or statements of the alleged perpetrator which indicate a sexual rather than a professional interest in the dependent adult.

**Factor 6.** Evidence that the conduct of the counselor or therapist was **not part of a necessary examination or treatment** provided to the dependent adult by the counselor or therapist while acting within the scope of the practice or employment in which the counselor or therapist was engaged.

Credible evidence includes statements of the dependent adult, the alleged perpetrator, witnesses, or administrative staff at the facility that the sexual conduct which took place between the adult and the counselor or therapist was not part of a legitimate physical or sexual examination or treatment for a physical or sexual problem sanctioned by the facility and approved by the dependent adult's guardian or custodian.

## FOUNDED SEXUAL ABUSE: INVASION OF PRIVACY - NUDITY

For an allegation to be founded as an invasion of privacy, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** **Invasion of privacy - nudity** has been committed with a dependent adult by a caretaker. There must be credible evidence of a caretaker who **knowingly views, photographs, or films** a dependent adult, for the purpose of arousing or gratifying the sexual desire of any person. Information obtained must include a precise description of the type of invasion of privacy that occurred. Credible evidence may include the following:

- ◆ Observation of the invasion of privacy by a credible person, or
- ◆ Copies of the photographs, or
- ◆ Copies of films, or
- ◆ Copies videotapes, or
- ◆ Any other recording or transmission of the images of a dependent adult in a state of full or partial nudity.

| **Factor 4.** Verification by either the dependent adult or a competent professional the dependent adult had a **reasonable expectation of privacy while in the state of full or partial nudity**.

**Factor 5.** Verification by either the dependent adult if capable, or a competent professional the dependent adult **did not have knowledge** about and did not consent or is unable to consent to being viewed, photographed, or filmed.

## FOUNDED EXPLOITATION

For a situation to be founded exploitation, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**. (The victim must be dependent at the time of the exploitation.)

**Factor 2.** The exploitation happened as a result of acts or omissions of a **caretaker**.

**Factor 3.** A dependent adult or the dependent adult's physical or financial resources were **taken advantage of** by an alleged perpetrator by one or more of the following based on credible evidence:

- ◆ Theft.
- ◆ Taken advantage of by the perpetrator.
- ◆ Unduly influenced by the perpetrator.
- ◆ Harassed by the perpetrator.
- ◆ Under duress (compulsion by threat) by the perpetrator.
- ◆ Deceived by the perpetrator.
- ◆ Falsely represented by the perpetrator.
- ◆ The perpetrator acted under false pretenses (claim not supported by fact).
- ◆ Evidence the dependent adult was taken advantage of or the dependent adult's physical or financial resources were not used to benefit the dependent adult.
- ◆ Evidence that a perpetrator who has legal responsibility for the dependent adult's physical or financial resources (such as conservator, payee, power of attorney) is abusing that legal responsibility.

**Factor 4.** A dependent adult **did not give informed consent** to the use of the dependent adult's physical or financial resources or to the transaction when the dependent adult was taken advantage of by the perpetrator.

The dependent adult did not agree to allow something to happen that was based on a full disclosure of known facts and circumstances needed to make the decision intelligently. The dependent adult did not have knowledge of risks involved or alternatives.

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE ADEQUATE FOOD

For a situation to be founded as denial of critical care: failure to provide adequate food, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The dependent adult does not have adequate **food**, based on evidence from a credible person. Credible evidence could include one of the following:

- ◆ A medical chart which documents a pattern of weight gain or loss, accompanied with observation by a credible person of the dependent adult's diet over the corresponding time period.
- ◆ A medical diagnosis provided by a credible person showing that the medical condition resulted from dietary deficiencies. The presence of the condition is circumstantial evidence.

**Factor 4.** There is immediate or potential **danger** to health or safety, or injury to or death of the dependent adult. Credible evidence could include a medical chart or diagnosis showing a medical condition or death resulting from diet deficiencies.

**Factor 5.** The caretaker or the dependent adult has **financial** means or has been offered financial means to provide adequate food.

### Resources

- ◆ Visiting nurse and/or other care providers
- ◆ Physician
- ◆ Check to see if there is food in the home

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE ADEQUATE SHELTER

For a situation to be founded as denial of critical care: failure to provide adequate shelter, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The dependent adult does not have adequate **shelter**. Evidence must be from a credible person. Credible evidence could include power company records to show a pattern of lack of provision of heat, with corresponding weather records and medical estimates of effects on the dependent adult, to illustrate immediate or potential danger to the dependent adult.

**Factor 4.** The failure to provide adequate shelter has resulted in the dependent adult being in immediate or potential **danger** to health and safety, which could result in injury or death. Evidence must be from a credible person. Credible evidence could include:

- ◆ Medical records showing actual or potential danger to the dependent adult.
- ◆ Health department records showing actual or potential danger to the dependent adult.

**Factor 5.** The caretaker or the dependent adult has **financial** means or has been offered financial means to provide adequate shelter.

### Resources

- ◆ Sanitary engineers
- ◆ Building inspector
- ◆ County health department
- ◆ Visiting nurse
- ◆ Care provider
- ◆ Utility company
- ◆ Fire department

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE ADEQUATE CLOTHING

For a situation to be founded as denial of critical care: failure to provide adequate clothing, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The dependent adult does not have **adequate clothing** necessary for the dependent adult's health and welfare. Credible evidence may include:

- ◆ Observation and documentation by a credible person of the dependent adult's manner of dress which indicates that the clothing provided was not adequate to meet the dependent adult's needs.
- ◆ Documentation of weather records which would confirm weather conditions from which the dependent adult's manner of dress would not adequately protect the dependent adult.

**Factor 4.** There is immediate or potential **danger** of injury to or death of the dependent adult. Evidence must be from a credible person. Credible evidence could include observations by a credible person as to the lack of adequate clothing, weather reports, and medical estimates of potential or actual danger because of lack of adequate clothing in this situation.

**Factor 5.** The caretaker or the dependent adult has **financial** means or has been offered financial means to provide adequate clothing.

### Resources

- ◆ Local radio station or newspaper for temperature
- ◆ Weather bureau
- ◆ Law enforcement

### Decision-Making Questions

- ◆ How long was the dependent adult inadequately clothed?
- ◆ Was the caretaker aware of the dependent adult's behavior?
- ◆ Health practitioner

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE ADEQUATE MEDICAL CARE

For a situation to be founded as denial of critical care: failure to provide adequate medical care, the report must include credible evidence of **six** factors.

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** There is evidence that the dependent adult does not have **adequate medical care**. Evidence must be from a credible person. Credible evidence could include failure to follow through with necessary medical treatment as directed by a licensed physician.

**Factor 4.** There is documentation of the immediate or potential **danger** of injury or death of the dependent adult. Evidence must be from a credible person. Credible evidence could include the medical chart plus a doctor's statements to show how the medical condition could or did lead to serious illness or death because of failure to seek or follow through with necessary medical treatment.

**Factor 5.** The caretaker or the dependent adult has **financial** or other means to provide adequate medical care.

**Factor 6.** The failure to provide medical care is not based on the dependent adult's **religious** beliefs.

### Resources

- ◆ Medical records
- ◆ Record of prescriptions from pharmacy
- ◆ Physician
- ◆ Visiting nurses

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE NECESSARY MENTAL HEALTH CARE

For a situation to be founded as denial of critical care: failure to provide necessary mental health care, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The dependent adult has a **serious mental health condition**. Evidence must be from a credible person. Credible evidence could include:

- ◆ Diagnosis from a credible mental health professional.
- ◆ Statements from credible witness as to behavior of the dependent adult which suggests a serious mental health condition.
- ◆ Evidence that the caretaker, if there is one, knows of or should reasonably know that the dependent adult has a serious mental health condition.

**Factor 4.** The responsible caretaker or dependent **adult refuses to obtain a mental health evaluation or treatment**. Credible evidence could include written documentation from a mental health professional or physician showing that a recommendation for evaluation or treatment was made. Use credible evidence to show that the caretaker or dependent adult failed to act on the recommendations.

**Factor 5.** The caretaker or the dependent adult has **financial** or other means to provide adequate mental health care.

### Resources

- ◆ Psychiatrist
- ◆ Psychologist
- ◆ Mental health counselor
- ◆ Mental health outreach worker
- ◆ Physician
- ◆ Visiting nurse
- ◆ Day treatment program
- ◆ Law enforcement
- ◆ Ambulance reports

## **FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO MEET EMOTIONAL NEEDS NECESSARY FOR NORMAL FUNCTIONING**

For a situation to be founded as denial of critical care: failure to meet emotional needs necessary for normal functioning, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The dependent adult has **gross functioning abnormalities** resulting from a failure to meet the emotional needs of the dependent adult. Evidence must be from a credible person. Credible evidence could include observations and documentation by a physician or mental health professional to establish existence of the condition.

**Factor 4.** The dependent adult has suffered **mental or emotional injury** resulting from the failure to meet the adult's emotional needs. Evidence must be from a credible person.

**Factor 5.** The responsible caretaker or the dependent adult has the **financial** means or has been offered the financial means to provide proper supervision.

### **Resources**

- ◆ Psychiatrist
- ◆ Psychologist
- ◆ Physician
- ◆ Mental health counselor
- ◆ Mental health outreach worker
- ◆ Visiting nurse
- ◆ Day treatment program
- ◆ Alzheimer's Association

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE PROPER SUPERVISION

For a situation to be founded as denial of critical care: failure to provide proper supervision, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

**Factor 2.** The abuse occurred as a result of acts or omissions of a responsible **caretaker**.

**Factor 3.** The dependent adult was not provided proper **supervision** which a reasonable and prudent person would exercise under similar facts and circumstances. Credible evidence could include:

- ◆ Evidence that the dependent adult does not have the ability to remove him or herself from emergency situation which might occur.
- ◆ Evidence that a caretaker was selected who was known to be incapable of ensuring the safety of the dependent adult.
- ◆ Evidence that a dependent adult was abandoned.

**Factor 4.** The dependent adult is in immediate or potential **danger** in a given situation. Evidence must be from a credible person. Credible evidence could include evidence that the dependent adult was left unattended in a bath tub, near an open flame, or in some other precarious situation.

**Factor 5.** The caretaker or the dependent adult has the **financial** means or has been offered the financial means to provide proper supervision.

### Resources

- ◆ Medical professionals
- ◆ Mental health professionals
- ◆ Medical records
- ◆ Mental health records
- ◆ Law enforcement
- ◆ Ambulance drivers

## FOUNDED DENIAL OF CRITICAL CARE: FAILURE TO PROVIDE ADEQUATE PHYSICAL CARE

For a situation to be founded as denial of critical care: failure to provide adequate physical care, the report must include credible evidence of **five** factors. They are:

**Factor 1.** The victim is a **dependent adult**.

| **Factor 2.** The abuse occurred as a result of acts or omissions of a **caretaker**.

**Factor 3.** The dependent adult does not have adequate **physical care**. Evidence must be from a credible person. Credible evidence could include:

- ◆ Failure to bathe resulted in skin breakdown.
- ◆ The dependent adult was repeatedly dropped or mishandled, resulting in injury.

**Factor 4.** There is documentation of the immediate or potential **danger** or injury to or death of the dependent adult. Evidence must be from a credible person. Credible evidence could include the medical chart plus the physician's statement to show how lack of physical care could or did lead to serious illness, injury or death.

**Factor 5.** The caretaker or the dependent adult has **financial** or other means to provide adequate physical care.

### Resources

Medical records  
Visiting nurses  
Physician

### Decision-Making Question

Does either the caretaker or the dependent adult know how to provide or obtain physical care?

- ◆ Founded denial of critical care: Failure to provide **adequate medical care**:
  - Failure to follow through with necessary medical treatment, as directed by a physician.
  - Obvious lack of medical attention, such as untreated open sores.
- ◆ Founded denial of critical care: Failure to provide **adequate mental health care**:
  - Failure to follow through with necessary mental health treatment, such as not taking medications, missing mental health professional appointments.
  - Inappropriate behavior due to the lack of adequate mental health care.
- ◆ Founded denial of critical care: Failure to provide **adequate supervision**: The dependent adult has been left alone and lacks the capacity to protect him or herself.
- ◆ Founded denial of critical care: Failure to provide **adequate physical care**:
  - The dependent adult has skin rashes or other skin problems due to failure to bath.
  - The dependent adult has serious dental problems due to failure to care for teeth.
- ◆ Founded denial of critical care: Failure to **meet emotional needs necessary for normal functioning**: The dependent adult has gross functioning abnormalities resulting from a failure to meet emotional needs, which are observed and documented by a licensed physician or mental health professional.

| **Factor 4.** Deprivation of care resulted in immediate or potential **danger** or injury to the dependent adult. Credible evidence could include:

- ◆ Medical charts or diagnosis showing a medical condition or imminent death resulting from diet deficiencies.
- ◆ Health department records showing actual or potential danger from lack of adequate shelter.
- ◆ Weather reports and medical estimates of potential or actual danger because of lack of adequate clothing.

**Dependent Adult Protection, Comm. 482**

Purpose	Comm. 482, <i>Dependent Adult Protection</i> , informs the adult, caretakers, and household of their eligibility for a dependent adult assessment and provides general information about the assessment or evaluation process.
Source	Print or photocopy supplies of Comm. 482, <i>Dependent Adult Protection</i> , from the sample in the manual as needed.
Distribution	Give Comm. 482 to the adult subject and caretaker or any other household members when engaging in a dependent adult assessment or evaluation.

### ***Why is the Department of Human Services involved?***

Concerns of possible abuse or neglect of a dependent adult were reported to the Department resulting in this process. Your case has met initial eligibility criteria.

### ***What can my family expect during the dependent adult assessment?***

- During the assessment, the social worker will ask to visit your home, speak with the dependent adult and caretakers, and other persons with relevant information to gather an understanding of what your household is experiencing.
- The social worker will work with the adult in need of care as well as with the household to assess safety and risk.
- After you help the social worker understand the unique strengths and needs of your situation, the social worker helps connect you and possibly your caretaker to services.
- Services at the conclusion of the assessment are typically voluntary.

### ***Where are protective services available?***

Protective assessments are available in all DHS counties. For more information, you can visit our website at:

[dhs.iowa.gov/dependent\\_adult\\_abuse](http://dhs.iowa.gov/dependent_adult_abuse)

Or contact our hotline at:

**1-800-362-2178**

### ***What services do we provide?***

The Department of Human Services provides protective assessments of adults alleged to be dependent and abused.

The Department of Human Services also makes referrals to assist adults and their families in locating community services to meet their needs.

### **IMPORTANT NUMBERS**

**Social Worker:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Everyone deserves  
to be safe.**



Iowa Department of Human Services

Comm. 482 (7/16)

## **Dependent Adult Protection**



The Iowa Department of Human Services' (IDHS) goal is to maximize positive outcomes with dependent adults by protecting well-being, empowering independence, and supporting quality of life.

## ***Assistance with Referrals***

*Aging and Disability Resources through LifeLong Links:*

Call **1-866-468-7887** for more information.

*The Office of the Substitute Decision Maker:*

The Office of Substitute Decision Maker (OSDM) was established to create a statewide network of substitute decision makers who provide substitute decision-making services as a last resort; only where no other substitute decision maker is available. Please call **515-725-3333** for more information.

*Iowa Medicaid Enterprise:*

Insurance and Home- and Community-Based Services (HCBS) Enrollment. Please visit <http://dhs.iowa.gov/iahealthlink> or call **800-338-8366**.

If you are already a member, please visit <http://dhs.iowa.gov/ime/members>.

For telephone accessibility assistance if you are deaf, hard-of-hearing, deaf-blind, or have difficulty speaking, call Relay Iowa TTY at **1-800-735-2942**.

## ***How Do I Report Abuse?***

Call our Centralized Services Intake Unit Hotline, 24 hours a day, 7 days a week: **1-800-362-2178**

## ***Who is served?***

Persons who meet the definition of “dependent adult,” who have either been abused or neglected by a caretaker or have neglected themselves, are assessed by DHS.

“Dependent adult” means a person eighteen years of age or older who is unable to protect the person’s own interests or unable to adequately perform or obtain services necessary to meet essential human needs, as a result of a physical or mental condition which requires assistance from another, or as defined by Department rule.

“Caretaker” means a related or non-related person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court.

## ***What is dependent adult abuse?***

Dependent adult abuse can include any of the following as a result of the willful or negligent acts or omissions of a caretaker:

- Physical abuse including:
  - Unreasonable confinement,
  - Unreasonable punishment, or
  - Assault of a dependent adult.
- The commission of a sexual offense with or against a dependent adult including sexual exploitation.
- Financial exploitation of a dependent adult.
- The deprivation of the minimum food, shelter, clothing, supervision, physical or mental health care or other care necessary to maintain a dependent adult's life or health, **including self-denial of care.**