

College of Direct Support

Maltreatment Laws Worksheet

As a direct support professional (DSP) it is important to know the local laws and definitions of maltreatment specific to your professional role. As you progress through the course on Maltreatment Prevention and Response in the College of Direct Support you can fill in the following information. This information will help you fulfill your legal roles related to maltreatment. You should complete all this information and have it reviewed by a supervisor or instructor.

Complete this worksheet based on laws and policies for your role as a DSP and as required by your employer. For example, if you work in elder care you may not need to review definitions of maltreatment to children.

For a list of State related Statues Regarding Child Maltreatment you may go to the following site and search your state:

http://www.childwelfare.gov/systemwide/laws_policies/state/

For a resource on conducting a search of your local adult protection laws and contacts for reporting you can go to the following Websites:

http://www.americanbar.org/groups/law_aging/resources/elder_abuse.html

At this site you can download the document called *Information About Laws Related to Elder Abuse*.

<http://www.ncea.aoa.gov/resources/index.aspx>

At this site you can click on your state to learn more.

Directions: Fill in all of the sections of the worksheet. Helpful resources may include your employer's policies and procedures. It may also include local laws and state statutes for maltreatment. Ask for help from your employer or your state or county health and human service offices if you are unsure where to find the answers.

1. In my state/region and my services area a DSP is a mandated reporter.

Yes No

a. What penalties does a DSP face for not reporting?

b. What protections does a DSP have for "good faith" reporting?

c. What consequences are possible for false, reckless or malicious reporting?

2. Are the people I support covered by maltreatment laws? (Select one)

Yes No

3. In my state/local community the definition of maltreatment is: (Write down the definition including recognized types of maltreatment in your area. Examples include physical abuse, emotional abuse, neglect, financial exploitation, and sexual exploitation.)

4. For each form of maltreatment you listed above list the type and give 2 examples of this form of maltreatment. For example, if a form of abuse is exploitation place the word "exploitation" then give two different examples of exploitation. This might include asking someone you care for to buy you gifts which is financial exploitation. Another example would be taking pictures of a person you care for while he or she is undressed for personal use. This would be sexual exploitation.

There may be more types in your local definitions than space provided. If so, use additional paper or the back of this sheet. There may also be less. Most regions define abuse, neglect, and exploitation as distinct forms of maltreatment. Remember, these may be different between adult protection and child protection.

Form 1. _____ (type)

_____ (example)
_____ (example)

Form 2. _____ (type)

_____ (example)
_____ (example)

Form 3. _____ (type)

_____ (example)
_____ (example)

Form 4. _____ (type)

_____ (example)
_____ (example)

Form 5. _____ (type)

_____ (example)
_____ (example)

5. Write down the important details of the process you would take to report suspected maltreatment in your state/region. Include:

- When to report (timelines).
- How to report (verbal, written)
- Where or to whom to report and in what order.

6. Regional contacts: (Only complete sections that apply to your employment as a DSP.)

List the person/agent designated by your employer to whom you are asked to internally report potential maltreatment. (if one is designated).

Name: _____

Position: _____

Phone: _____

Email: _____

Fax: _____

Address: _____

7. Are you required by law or policy to report to an outside agency directly in any circumstances? Yes No

Give two examples of when you would report to an outside the agency first. (Voluntarily or as required.)

List the specific entity outside of your employer that local laws indicate reports of suspected maltreatment must be made. (This would refer to protective services.)

For Adults:

Name: _____

Position: _____

Phone: _____

Email: _____

Fax: _____

Address: _____

How soon after the incident would you need to report to this agency?

Is contact with this organization required by DSP or is internal reporting alone acceptable?

For Children: (You can write "same" if it is the same as adults.)

Name: _____

Position: _____

Phone: _____

Email: _____

Fax: _____

Address: _____

How soon after the incident would you need to report to this agency?

Is contact with this organization required by DSP or is internal reporting alone acceptable?

Local law enforcement contact: (Call 911 in emergencies if it is available in your region.)

Name: _____

Position: _____

Phone: _____

Email: _____

Fax: _____

Address: _____

Describe which types of incidents you would be required to report to law enforcement and give two examples.

8. Are you required to report incidents of harm or suspected maltreatment to the Ombudsmen's office? (This is for protection of people in long-term care facilities. For more information go to <http://www.ltombudsman.org/about-ombudsmen>)

Yes No

If yes, please list the closest regional office of your State's Ombudsman program:

Name: _____

Position: _____

Phone: _____

Email: _____

Fax: _____

Address: _____

Describe which types of incidents you would be required to report to the Ombudsman and give two examples.

How soon after the incident would you need to report to this agency?

Will every incident reportable to this office also be considered maltreatment in your state? Why or why not?

9. Are the people you support eligible for services through your State's Protection and Advocacy and Disability Rights Office? (Go to <http://www.napas.org/> for more information.)

Yes No

If yes, list the closest regional office:

Name: _____

Position: _____

Phone: _____

Email: _____

Fax: _____

Address: _____

Describe which types of incidents the local protection and advocacy or disability rights office would handle (when would you engage them and why) and give two examples.

Is there anything else you should know about maltreatment definitions and reporting specific to your state? If so, list it here.

Please review this form with a supervisor or trainer to ensure completeness and accuracy.
Keep a copy for your records and review as needed.