

## Idaho's Adult Protection Offices

*If a Vulnerable Adult you know is being abused, neglected, exploited or is unsafe, call the Adult Protection unit in your area to make a report.*



**Area I-Coeur d'Alene**  
 208.667.3179  
 1.800.786.5536  
 After-hours emergency  
 208.667.3179

**Area II-Lewiston**  
 208.743.5580  
 1.800.877.3206  
 After-hours emergency  
 208.743.5580 x 399

**Area III-Boise**  
 208.991.5640  
 1.800.859.0321  
 After-hours emergency  
 208.489.6909

**Area IV-Twin Falls**  
 (208.736.2122  
 1.800.574.8656  
 After-hours emergency  
 208.732.6605

**Area V-Pocatello**  
 208.233.4032  
 1.800.526.8129  
 After-hours emergency  
 1.800.526.8129

**Area VI-Idaho Falls**  
 208.522.5391  
 1.800.632.4813  
 After-hours emergency  
 208.522.5391

***EMERGENCIES***

**If this is a life threatening or an emergency situation, call your local law enforcement agency or 911 immediately.**

## **Adult Protection Services**

Adult Protection workers investigate allegations of abuse, neglect, self-neglect or exploitation involving a “vulnerable adult.” A “vulnerable adult” is a person who is unable to make decisions and otherwise manage his affairs or to protect himself from abuse, neglect or exploitation due to a physical and/or mental impairment. Age itself does not constitute vulnerability; there must also be a limiting physical or mental impairment.

In the process of carrying out their Adult Protection responsibilities, Adult Protection workers access multidisciplinary services available through any and all public agencies, community-based organizations, and informal resources. Adult Protection provides services which help to protect vulnerable adults and their families by working with:

- Individuals
- Families
- Medical Personnel
- Care Providers
- Law Enforcement
- First Responders
- Public Agencies
- Community-Based Organizations

With their help, Adult Protection can develop community-based solutions for care of vulnerable adults.

While assisting a vulnerable adult, Adult Protection workers must honor the vulnerable adult's freedom of choice and right to self-determination. The Adult Protection worker's actions must place the fewest possible restrictions on the vulnerable adult's personal freedom.

## **Adult Protection's Jurisdiction**

Adult Protection is authorized to investigate reports of abuse, neglect, exploitation and self neglect of vulnerable adults in: private homes, assisted living facilities, adult foster homes, certified family homes; residential habilitation homes, and community centers that serve people with mental illness or intellectual disabilities, home health agency staff and specific state facilities. Reports involving incidents in nursing homes should be made to the Idaho Department of Health & Welfare's Bureau of Facility Standards at (208) 334-6626.

Sometimes, a complaint is made because the reporter is concerned that without intervention, abuse, neglect, self-neglect, or exploitation might occur. Unfortunately, Adult Protection investigations cannot be initiated using a “what if” rationale. There must be an actual act of abuse, neglect, exploitation, or self neglect.

If the report is determined to involve both a vulnerable adult and an act of abuse, neglect, self-neglect, or exploitation with a direct relationship to the alleged victim’s vulnerability, Adult Protection has jurisdiction to investigate the report.

## **Learn More About Adult Protection**

Adult Protection offers in-service presentations to agencies, groups, businesses, and organizations. Please call your local Adult Protection Office to schedule a **free** presentation.

## **Reporting Abuse, Neglect, Self-Neglect and Exploitation**

**Discretionary Reporting** – Idaho Code, 39-5303. Anyone can report to Adult Protection Services. The name of the reporting person and the information received are confidential, except under very limited circumstances. A report can be made anonymously, but it makes the report much more difficult (or even impossible) to investigate.

Idaho law provides protection from civil and criminal prosecution for persons who report in good faith to Adult Protection. If you report in good faith, you cannot be held liable for any damages resulting from your report. Reports made in bad faith, maliciously, or grossly negligently are not immune from liability.

**Mandatory Reporting** – Under Idaho law, it is mandatory for those working for or serving vulnerable adults to report to Adult Protection when they have reasonable cause to suspect that the vulnerable adult is being or has been abused, neglected (including self-neglect) or exploited.

Mandatory reporters include:

- Any physician, nurse, employee of a public or private health facility, or a state licensed or certified residential facility serving vulnerable adults;
- medical examiner;
- dentist;
- ombudsman for the elderly;
- osteopath;
- optometrist;
- chiropractor;
- podiatrist;

- social worker;
- police officer;
- pharmacist;
- physical therapist; or
- home care worker.

The report must be made immediately to Adult Protection at 208.991.5640, toll-Free at 1.800.859.0321, or after-hours emergency at 208.489.6909. However, skilled nursing facilities (i.e. nursing homes) and employees of such facilities must make reports to the Idaho Department of Health & Welfare's Bureau of Facility Standards, rather than to Adult Protection.

If the mandatory reporter has reasonable cause to believe that abuse or sexual assault has resulted in death or serious physical injury jeopardizing the life, health or safety of a vulnerable adult, they must also report such information **within four (4) hours** to the appropriate law enforcement agency.

### **Information Needed:**

- The alleged victim's name, address or location, telephone number, age, race and sex;
- Physical, mental or behavioral indications that the person would be considered a vulnerable adult.;
- The circumstances which lead the reporter to believe that the vulnerable adult is being abused, neglected, exploited or is self neglecting, with as much specificity as possible;
- Information on the alleged perpetrator's name, address, age, relationship. If there is limited information on the alleged perpetrator, a report will still be taken if other reporting criteria are met;
- The names of others with information about the situation;
- If the reporter is willing to be contacted again.
- You will also be asked for your name and number or some way of contacting you if the investigator has follow up questions. However, a reporter may remain anonymous.

### **Abuse**

"Abuse" is the intentional or negligent infliction of physical pain, injury or mental injury.

### **Signs of physical abuse:**

- bruises, black eyes, welts, lacerations, and rope marks;
- broken bones;
- open wounds, cuts, punctures, untreated injuries in various stages of healing;
- broken eyeglasses/frames, or any physical signs of being punished or restrained;
- laboratory findings of either an overdose or under dose medications;

- individual's report being hit, slapped, kicked, or mistreated;
- vulnerable adult's sudden change in behavior;
- the caregiver's refusal to allow visitors to see a vulnerable adult alone;

### **Signs of sexual abuse:**

- bruises around the breasts or genital area;
- unexplained venereal disease or genital infections;
- unexplained vaginal or anal bleeding;
- torn, stained, or bloody underclothing;
- an individual's report of being sexually assaulted or raped.

### **Signs of mental mistreatment/emotional abuse:**

- being emotionally upset or agitated;
- being extremely withdrawn and non communicative or non responsive;
- unusual behavior usually attributed to dementia (e.g., sucking, biting, rocking);
- nervousness around certain people;
- an individual's report of being verbally or mentally mistreated.

### **Neglect and Self-Neglect**

"Neglect" is the failure of a caretaker to provide food, clothing, shelter or medical care to a vulnerable adult. A "caretaker" is any individual or institution that is responsible by relationship, contract, or court order to provide food, shelter or clothing, medical or other life-sustaining necessities to a vulnerable adult. "Self-neglect" is the failure of a vulnerable adult to provide those services for himself/herself.

### **Signs of neglect:**

- dehydration, malnutrition, untreated bed sores and poor personal hygiene;
- unattended or untreated health problems;
- hazardous or unsafe living condition (e.g., improper wiring, no heat or running water);
- unsanitary and unclean living conditions (e.g., dirt, fleas, lice on person, soiled bedding, fecal/urine smell, inadequate clothing);
- an individual's report of being mistreated.

### **Signs of self-neglect:**

- dehydration, malnutrition, untreated or improperly attended medical conditions, and poor personal hygiene;
- hazardous or unsafe living conditions;
- unsanitary or unclean living quarters (e.g., animal/insect infestation, no functioning toilet, fecal or urine smell);
- inappropriate and/or inadequate clothing, lack of the necessary medical aids;

- grossly inadequate housing or homelessness;
- inadequate medical care, not taking prescribed medications properly.

**Exploitation:**

"Exploitation" is the unjust or improper use of a vulnerable adult's financial power of attorney, funds, property, or resources by another person for profit or advantage.

Sexual exploitation is using a vulnerable adult in a sexual manner for commercial purposes. Sexual exploitation is a felony.

Signs of exploitation:

- sudden changes in bank account or banking practice, including an unexplained withdrawal of large sums of money;
- adding additional names on bank signature cards;
- unauthorized withdrawal of funds using an ATM card;
- abrupt changes in a will or other financial documents;
- unexplained disappearance of funds or valuable possessions;
- bills unpaid despite the money being available to pay them;
- forging a signature on financial transactions or for the titles of possessions;
- sudden appearance of previously uninvolved relatives claiming rights to a vulnerable adult's possessions;
- unexplained sudden transfer of assets to a family member or someone outside the family;
- providing services that are not necessary;
- individual's report of exploitation.

Signs of Sexual Exploitation:

- using a vulnerable adult to engage in any explicit sexual conduct;
- using a vulnerable adult in sexually exploitative material.

**\*\*\*\*UPCOMING---SHORT VIDEO ON ADULT PROTECTION SERVICES\*\*\*\***

**Volunteer to Help Vulnerable Adults**

Adult Protection workers often encounter very impaired vulnerable adults who have no family members or friends to assist them and no resources to pay for decision-making assistance. In these cases, Adult Protection workers search for other resources to help. One very important resource is a county's local Board of Community Guardian. Idaho laws authorize each Board of County Commissioners to create and budget for a Board of Community Guardian. The Board of Community Guardian, under the purview of the local court, works to find someone to provide the help the vulnerable adult needs. Sometimes, the Board may, itself, act on behalf of the vulnerable adult. Unfortunately, the need usually exceeds the resources available. Please consider volunteering to assist your local Board of Community Guardian. If your county does not have a Board, please contact your county commissioners and encourage them to create and fund one.

**Counties with Existing Boards of Community Guardians:**

**Ada**

**Canyon**

**Gem**

**Payette**

**Valley**

**Washington**

## **RELATED LINKS:**

Idaho Adult Abuse, Neglect and Exploitation Act

<http://legislature.idaho.gov/idstat/Title39/T39CH53.htm>

Idaho Statutes Regarding Crimes Against Children and Vulnerable Adults

- <http://legislature.idaho.gov/idstat/Title39/T39CH53.htm>

Idaho Statutes Regarding Boards of Community Guardians

<http://legislature.idaho.gov/idstat/Title15/T15CH5PT6.htm>

Idaho Rules Governing Adult Protection Services

- <http://legislature.idaho.gov/idstat/Title39/T39CH53.htm>

National Center on Elder Abuse

- <http://legislature.idaho.gov/idstat/Title39/T39CH53.htm>

National Committee for the Prevention of Elder Abuse

- <http://www.preventelderabuse.org/>

Nampa Family Justice Center

- <http://www.nampafamilyjusticecenter.org/>

Family Advocacy Center Education Services (FACES)

- <http://www.familyjusticecenter.org/Details/Family-Advocacy-Center-Education-Services-FACES.html>

Department of Health & Welfare Criminal History Unit

- <https://chu.dhw.idaho.gov/>

Department of Health & Welfare Region3 Mental Health

- <http://www.healthandwelfare.idaho.gov/Medical/MentalHealth/RegionalMentalHealthBoards/Region3MentalHealthBoard/tabid/687/Default.aspx>

Department of Health & Welfare Region 4 Mental Health

- <http://www.healthandwelfare.idaho.gov/Medical/MentalHealth/RegionalMentalHealthBoards/Region4MentalHealthBoard/tabid/690/Default.aspx>



## FAQs

**Do Adult Protection workers perform in-home evaluations of vulnerable adults?**

Yes, as long as the case is within Adult Protection's jurisdiction. Adult Protection workers are authorized to investigate cases that (1) involve "vulnerable adults" and (2) who are currently being abused, neglected (including self-neglect), or exploited. Unless both of these elements are present, the case is not within the jurisdiction of Adult Protection and should not be referred to Adult Protection as they will not be investigated.

**What is the procedure for a Guardianship and what is needed?**

Guardianship is a procedure where a suitable person or agency is appointed by a court to manage the personal affairs of the vulnerable adult. You should consult an attorney familiar with guardianships to advise you. Any person interested in a vulnerable adult's welfare may petition for the appointment of a guardian. The court will appoint a guardian ad litem attorney to represent the vulnerable adult in the case. The court will also appoint a person called a "court visitor" (except in cases involving individuals with developmental disabilities which follow a different process) to investigate the circumstances and file a written report with the court regarding whether a guardian should be appointed. A court hearing is required before a guardian will be appointed. At that hearing, the person petitioning to be the guardian will testify about why a guardian is needed and the plans for the vulnerable adult's future care. If the court appoints a guardian, it will issue Letters of Guardianship showing the guardian's authority to act on behalf of the vulnerable adult.

**What is the procedure for a Conservatorship and what is needed?**

Conservatorship is a procedure where a suitable person or agency is appointed by a court to manage the financial affairs of a vulnerable adult. If appropriate, one person can act as both guardian and conservator for a vulnerable adult. You should consult an attorney familiar with conservatorships to advise you. A family member, trustee, or any "interested person" may file a petition with the court to have a conservator appointed. A court hearing is required before a conservator will be appointed. At that hearing, the person petitioning to be the conservator will testify about why a conservator is needed and the plans for handling the vulnerable adult's finances. If the court appoints a conservator, it will issue Letters of Conservatorship showing the conservator's authority to act on behalf of the vulnerable adult.

**What's the difference between a Guardian, Conservator, and Power of Attorney?**

Guardians and conservators may only be appointed by a court. A Power of Attorney is a person or agency who has been named in a private document

signed by the individual who has designated the Power of Attorney to handle his or her affairs. Because of the consequences associated with these different methods of handling your affairs, you should consult an attorney before signing a Power of Attorney.

**Can Adult Protection remove vulnerable adult from his or her home?**

No. Adult Protection workers do not have the authority to remove a vulnerable adult from his or her home. If a vulnerable adult appears to be living in an unsafe situation, Adult Protection workers can request that law enforcement officers take action.

**Can an Adult Protection worker force a vulnerable adult to participate in an interview or accept services?**

If a vulnerable adult refuses to talk with Adult Protection then his or her right to refuse must be respected. Adult Protection workers will do their best to try to talk with the vulnerable adult and offer services. However, the vulnerable adult still has the right to choose.

**Can I find out the outcome of a report I made to Adult Protection?**

Adult Protection investigations are confidential. Generally, Adult Protection workers cannot make any disclosures, even to a reporter. However, very limited disclosures are allowed in the process of obtaining more information about the case. Additionally, an Adult Protection worker can disclose to the reporter that his or her complaint is or has been investigated.

**What is the process for appealing an investigation that was substantiated?**

Upon receiving information that a vulnerable adult may be abused, neglected, or exploited, Adult Protection workers will initiate an investigation to determine a vulnerable adult's need for protective services.

Adult Protection will substantiate a report of abuse, neglect, or exploitation when, based upon limited investigation and review, the worker perceives the report to be credible. A substantiated report is then referred immediately to law enforcement for further investigation and action. Additionally, the name of the individual against whom a substantiated report was filed is forwarded to the Department of Health and Welfare's Criminal History Unit for further investigation. Adult Protection takes no further action. It is the responsibility of these agencies to conduct their own investigations to determine if they have reason to impose punitive consequences based on their agency guidelines.

Adult Protection does not impose punitive consequences and, therefore, has no appeal process. An individual against whom a report has been substantiated (the "alleged perpetrator") must contact the agency that imposed the penalty (e.g., law

enforcement, Department of Health and Welfare Criminal History Unit, employer) for *their* appeal process. The Criminal History Unit may be reached at (208) 332-7990 or Toll-Free at 1.800.340.1246.

The company I work for placed me on administrative leave when I was named as the alleged perpetrator on a report. When will Adult Protection tell my company if I have been cleared of the allegation so I can go back to work?

Unless you were the reporter, Adult Protection cannot provide any information on an investigation. Only a statement to the *reporter* that his or her complaint is or has been investigated can be provided.

Remember, Adult Protection does not impose punitive consequences, *Adult Protection did not place you on administrative leave*; therefore you need to contact your employer who imposed the penalty for *its* appeal process. Any other questions that are job related should be directed to the Idaho Department of Labor at 208.332.3570.

#### Who has access to Adult Protection Records?

The Adult Abuse, Neglect and Exploitation Act requires disclosure of Adult Protection investigative records in the following three situations:

- Disclosure of investigative records to a law enforcement agency to which the Adult Protection unit has referred a case for further investigation.
- Disclosure to the Department of Health & Welfare when a case involves allegations of abuse, neglect or exploitation occurring in a long-term care facility.
- Disclosure to the Department of Health & Welfare's Criminal History Unit of substantiated cases.

Idaho Code authorizes disclosure to other persons other relevant records may be disclosed to other persons upon the written consent of the vulnerable adult or his legal representative. The context of that statute, however, strongly suggests that disclosure is limited to information regarding the vulnerable adult and that it does not override the confidentiality attached by Idaho law to the identities of reporters or other persons mentioned in Adult Protection records.

Records may also be disclosed pursuant to a hearing or court order.

How does a guardian get a copy of an investigation that Adult Protection conducted on his or her ward? Is the complete file provided?

The Guardian will need to provide (1) the Order of Appointment and Letters of Guardianship and (2) photo identification. Disclosure is limited to information

specific to the vulnerable adult and does not include the identities of reporters or other persons mentioned in Adult Protection's records. All information pertaining to anyone other than the vulnerable adult is deleted prior to release.

**Does Adult Protection ever release the reporter's name?**

The reporter making the referral to Adult Protection will remain anonymous unless a court orders disclosure of the reporter's name. Anonymous reports can be made to Adult Protection, but it is helpful to have the name and phone number of the reporter in case there are questions. For example, Adult Protection workers sometimes cannot locate the address given on intake or have difficulty making contact with the vulnerable adult. If the Adult Protection worker has the name and phone number of the reporter, the worker can contact the reporter for more information.

**Does Adult Protection have special facilities where a vulnerable adult can be placed in an emergency (like foster homes for abused children)?**

Adult Protection does not have any special arrangements with any facilities where vulnerable adults can be placed. Additionally, Adult Protection does not have any funding for temporary placements. If law enforcement chooses to remove a vulnerable adult from a home, the vulnerable adult will be taken to a hospital emergency room, or to a shelter, depending on the circumstances.

**Wouldn't someone with a mental health diagnosis or with alcoholism be considered a Vulnerable Adult?**

Not necessarily. It depends on the extent of the person's impairment. For example, a person experiencing severe, uncontrolled depression might be unable to make decisions to the extent that he or she becomes a vulnerable adult. Conversely, a person diagnosed as having schizophrenia, so long as he is taking his medication, might be fully capable of making decisions. Thus, whether the individual is a "*vulnerable adult*" depends on the particular circumstances of the case.

You cannot generalize certain groups of individuals as being or not being "vulnerable adults." Rather, Adult Protection workers must engage in some fact-finding before a determination may be made.

**Wouldn't a hoarder be considered a Vulnerable Adult?**

Not necessarily. Adult Protection first has to determine if the hoarder is so impaired that he or she cannot make decisions.

If the hoarder is determined to be unable to make decisions (i.e. a vulnerable adult), Adult Protection must then determine if the hoarder is self-neglecting. The Adult Protection worker will investigate the condition of the home to determine

whether it threatens the life and health of the vulnerable adult. For example, a mere “dirty house” probably will not be sufficient. However, a home where food is rotting on the counters, dirty dishes are piled on every available flat surface, garbage is piled throughout, rodents and insects are present, and animal and/or human feces and urine are present goes beyond the level of a mere “dirty house.” A vulnerable adult living in these conditions would likely be determined to be self-neglecting.

**What is the process of to initiate the involuntary commitment process for a vulnerable adult who is likely to injure himself or others or is gravely disabled due to mental illness?**

**For vulnerable adults residing in Ada County, please contact the Ada County Prosecutor’s Office Juvenile Detention Center at 208.577.4900.**

**For all other counties, please contact the county Prosecutor’s Office for information on their involuntary commitment process.**