

Contact Information

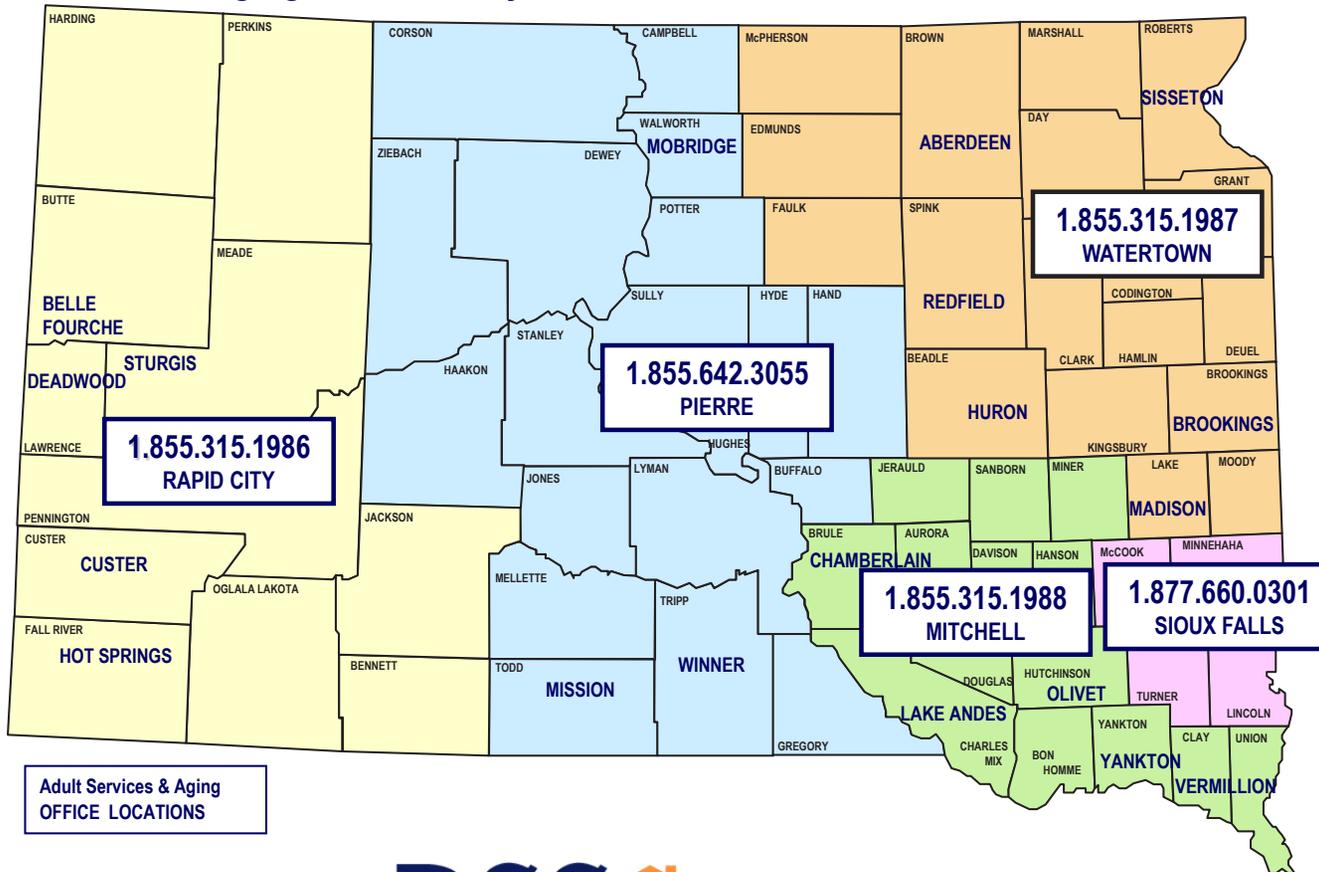
To report abuse, neglect or exploitation of an elder or an adult with disabilities, please contact local law enforcement, local state's attorney office or DSS ADRC call center (South Dakota's protective services agency).

Reporting in Tribal Communities

Tribal communities may have different definitions of abuse, neglect, exploitation and different reporting requirements. Please check with the appropriate authority in your area.

Department of Social Services Division of Adult Services & Aging

Aging and Disability Resource Connections Call Centers



Abuse, Neglect & Exploitation
of Elders or Adults with
Disabilities

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South Dakota law requires individuals in the medical and mental health professions and employees or entities with ongoing contact with and exposure to elders and adults with disabilities, to report knowledge or reasonable suspicion of abuse, neglect or exploitation of elders and adults with disabilities.

Mandatory Reporters

There are two groups of mandatory reporters and the process for reporting is different for each group. These individuals must make an oral or written report within 24 hours to local law enforcement, local state's attorney or DSS. A mandatory reporter who knowingly fails to make the required report is guilty of a Class 1 misdemeanor.

The first group of mandatory reporters of abuse, neglect and exploitation includes:

- ✓ Physician, dentist, doctor of osteopathy, chiropractor, optometrist, podiatrist, religious healing practitioner, hospital intern or resident, nurse, paramedic, emergency medical technician, social worker or any health care professional;
- ✓ Psychologist, licensed mental health professional or counselor engaged in professional counseling; or
- ✓ State, county or municipal criminal justice employee or law enforcement officer.

The second group of mandatory reporters of abuse and neglect includes:

- ✓ Any staff member of a nursing facility, assisted living facility, adult day care center or community support provider; or any residential care giver, individual providing homemaker services, victim advocate; or hospital personnel engaged in the admission, examination, care or treatment of elders or adults with disabilities.
- ✓ Any individual in this group must report to the person in charge of the institution where the elderly or adult with disabilities resides or is present, or the person in charge of providing the services within 24 hours.

Physical & Emotional Abuse

Physical abuse is defined as physical harm, bodily injury or attempt to cause physical harm or injury, or the fear of imminent physical harm or bodily injury on an elder or a disabled adult. Emotional Abuse is defined as a caretaker's willful, malicious and repeated infliction of sexually obscene acts (nudity or simulations) without consent; unreasonable confinement; harm, damage or destruction of property; or verbal harassment or threats to inflict physical, emotional and psychological abuse. For a full definition of physical and emotional abuse please see SDCL 22-46-1.

Neglect

Neglect is defined as harm to the health or welfare of an elder or an adult with a disability, without reasonable medical justification, caused by a caretaker, within the means available for the elder or adult with a disability, including the failure to provide adequate food, clothing, shelter or medical care.

Exploitation

Exploitation is defined as the wrongful taking or exercising of control over property of an elder or adult with a disability with intent to defraud the elder or adult with a disability.

When to Report

Below are signs of possible abuse, neglect or exploitation. For a full list visit dss.sd.gov/asa/services/adultprotective.aspx.

- ✓ Signs of physical injury such as bruises, welts, burns, lacerations, scars, broken bones or serious internal injuries.
- ✓ Lack of necessities such as heat, food, water, medical care and/or unsafe conditions in the home.
- ✓ Multiple injuries, repeated or untreated injuries, or injuries not compatible with history.
- ✓ Behavioral signs such as agitation, anxiety, resignation, hesitation to reply, anger, depression or fear.

- ✓ Social isolation or inappropriately leaving an older person alone for long periods of time.
- ✓ Caregiver shows aggressive behavior such as threats, insults or other verbal harassment towards the care receiver.
- ✓ Misuse of money or property for another person's monetary or personal gain.
- ✓ Unauthorized sale of real or personal property.

What to Report

To report abuse, neglect, or exploitation of an elder or an adult with disabilities, please contact your local law enforcement agency, local state's attorney's office or the nearest Department of Social Services' office or email the Division of Adult Services and Aging.

In addition to mandatory reporting, people can make reports on a voluntary basis. Persons who in good faith make a report of abuse, neglect or exploitation of an elder or adult with a disability are immune from liability.

Facilities or programs that are licensed or regulated by the Department of Health or Department of Human Services will follow department procedures in place for reporting.

Include the following if you know or have reason to believe someone needs protection from abuse, neglect or exploitation:

- ✓ Victim information
- ✓ Reporter information
- ✓ Caretaker information
- ✓ Perpetrator information
- ✓ The nature and extent of the elder or adult with a disability's injury, whether physical, emotional or financial, if any;
- ✓ The nature and extent of the condition that required the report to be made; and
- ✓ Any other pertinent information.