

Cabinet for Health and Family Services

Department for Community Based Services

KRS 209

Adult Protective Services Statute



PURPOSE

- To provide for the protection of adults who may be suffering from abuse, neglect, or exploitation, and to bring said cases under the purview of the Circuit or District Court;
- To provide that any person who becomes aware of such cases shall report them to a representative of the cabinet, thereby causing the protective services of the state to be brought to bear in an effort to protect the health and welfare of these adults in need of protective services and to prevent abuse, neglect, or exploitation; and KRS 209.010

ADULT

- A person eighteen (18) years of age or older who, because of mental or physical dysfunction, is unable to manage his own resources, carry out the activity of daily living, or protect himself from neglect, exploitation, or a hazardous or abusive situation without assistance from others, and who may be in need of protective services.

MANDATORY REPORTING

ANY person, including but not limited to, physician, law enforcement officer, nurse, social worker, cabinet personnel, coroner, medical examiner, alternate care facility employee, or caretaker, having reasonable cause to suspect that an adult has suffered abuse, neglect, or exploitation, shall report or cause a report to be made in accordance with the provisions of this chapter. Death of the adult does not relieve one of the responsibility for reporting the circumstances surrounding the death.

KRS 209.030 (2)

MANDATORY REPORTING

An oral or written report shall be made immediately to the cabinet upon knowledge of suspected abuse, neglect, or exploitation of an adult.

KRS 209.030(3)

IMMUNITY FROM CIVIL OR CRIMINAL LIABILITY

Anyone acting upon reasonable cause in the making of any report or investigation or participating in the filing of a petition to obtain injunctive relief or emergency protective services for an adult pursuant to this chapter, including representatives of the cabinet in the reasonable performance of their duties in good faith, and within the scope of their authority, shall have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from such report or investigation and such immunity shall apply to those who render protective services in good faith pursuant either to the consent of the adult or to court order.

KRS 209.050

RECEIVING THE REPORT

SSW makes every effort to obtain the following information

- Name and address or location
- Any person responsible for care of adult
- Age of Adult
- Nature and extent of the abuse
- Date and time of incident
- Identity of the alleged perpetrator
- General well being of the adult
- Any relevant safety information

NEGLECT (Self-Neglect)

A situation in which an adult is unable to perform or obtain for himself the goods or services which are necessary to maintain his health or welfare.....

KRS209.020(16)

NEGLECT (Caretaker Neglect)

or the deprivation of services by a caretaker which are necessary to maintain the health and welfare of an adult.....

KRS209.020(16)

INDICATORS OF NEGLECT

- Soiled clothing
- Soiled bedding
- Poor hygiene
- Urine odors
- Dry skin
- Weight loss
- Inappropriate food
- Sunken area under eyes and around cheekbones
- Left alone or locked up for extended periods of time
- Lack of necessary aids, cane, walker, glasses, dentures
- Lack of food or water

EXPLOITATION

Obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources

KRS 209.020 (9)

EXPLOITATION INDICATORS

- Unusual Activity in Bank Account
- Level of Care Inconsistent with Resources
- Missing Property
- Sudden Affection or Attention to Adult
- Attempts to Isolate from Support System
- Person-inappropriate contact

ABUSE

The infliction of injury, sexual abuse,
Unreasonable confinement, intimidation,
Or punishment that results in physical pain
Or injury, including mental injury

KRS 209.020 (8)

PHYSICAL ABUSE INDICATORS

- Scratches
- Bruises
- Cigarette Burns
- Strangulation Marks
- Skin Tears
- Pain on Touching
- Scalp Injuries
- Hematomas
- Detached Retina
- Fractures
- Dislocations
- Untreated Wounds
- Poisoning

PROFILE OF PERPETRATOR OF ELDER MALTREATMENT

- Usually a Relative
- Usually the Primary Caregiver
- Lack of Caregiving Experience
- Low Self-Esteem
- Substance Abuse
- Lack of Social Supports
- May have Learned Violence

REPORT ELDER ABUSE

1-877-597-2331

*****IT'S THE LAW*****

FOR MORE INFORMATION

Adult Protection Branch
275 E. Main St, 3E-C
Frankfort, KY 40621
502-564-7043

QUESTIONS???