



## California's Elder Abuse and Dependent Adult Civil Protection Act

by *[John Demas](#)* on 04/12/10

California broke important legal ground in 1992 when it passed the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA). Unlike California, most [other states](#) are still without legislation that mandates the filing of reports regarding all suspected elder and dependent adult abuse. As might be expected, these other states tend to be often less vigilant about monitoring and resolving the abuse, neglect and abandonment claims raised by their elderly and dependent citizens.

Hopefully, this California statute will be viewed as model legislation for other states in the short run and the federal government once it finally passes comprehensive legislation covering these same topics in the future.

### Special Features of this Legislation

- This statute clearly requires every member of an elderly or dependent adult's care team to report all suspected physical, mental, emotional or financial abuse of dependent or elderly adults;
- Articles Five and Six of the EADACPA provide specific information about how these abuse reports should be handled and investigated by local agencies carefully sharing their information with one another;
- Confidentiality is critical to the success of this legislation. Protection is offered to those who report alleged abuse for positive (nonmalicious) reasons;
- Article Eight of the Elder Abuse and Dependent Adult Civil Protection Act is especially noteworthy since it provides for the criminal prosecution of individuals suspected of

abusing, neglecting or abandoning a dependent or elderly person in their care. Actual physical injury isn't always required for prosecution — certain serious threats of injury or neglect can create liability. Convicted individuals can be assessed fines and even sentenced to jail or prison sentences, depending on the nature of their wrongful acts.

- Once individuals have been convicted under the EDACPA, their victims (or their conservators) can sue for attorney fees and other damages. This right is set forth in Article 8.5 of the statute.

### **Basic Warning Signs of Dependent or Elder Adult Abuse**

Since many Americans regularly take care of infirm parents, spouses, siblings or friends in nursing homes or assisted care centers (or in their private homes), it's important for all of us to be able to recognize the most obvious signs of possible abuse, as well as the subtler ones. Some of the most critical signs involve caregivers who:

- Will not allow others to freely interact with the person needing special care and usually insist on being present when others visit;
- Frequently express anger or unhappiness with the person they are supposed to be taking care of;
- Refuse to believe allegations that they (or others) are harming the dependent or elderly adult in some manner;
- Exhibit clear signs of alcohol or drug addiction;
- Move the dependent or elderly adult far away from all other friends and family so that no one else is able to visit;
- Will not allow anyone else to share control over any part of the ailing person's money or accounts;
- Tries to withhold certain recommended medical care, claiming it's just too expensive or unnecessary (when it actually appears that they are just looking out for their own future financial interests);

- Fails to regularly provide for the dependent or elderly person's basic clothing needs or everyday toiletries that aren't supplied by the care center where the dependent or elderly person lives;
- Fails to visit very often, frequently claiming too many excuses for not staying in touch with the person they're supposed to be taking care of; and
- Refuses to readily meet with official representatives of the elderly person's care facility regarding any critical issue already relayed by mail or private phone calls.

Should you become suspicious that any dependent or elderly person is being abused, neglected or improperly cared for — to the extent that they are suffering, get in touch right away with those who run the care facility where the person lives and possibly your state's department of aging (or similarly titled government agency).

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