

Mandatory Reporting Requirements: The Elderly Guam

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Question	Answer
Who is required to report?	<p>Any person who, in the course of his or her employment, occupation or professional practice, comes into contact with elderly or disabled adults, including but not limited to:</p> <ul style="list-style-type: none">• Physicians,• Medical interns,• Medical examiners,• Nurses,• Chiropractors,• Hospital personnel engaged in the admission, examination, care or treatment of persons,• Social workers,• Employees of nursing homes, senior citizen centers and adult day care facilities,• Police officers,• Probation officers,• Employees of homemaker and home health service agencies,• Emergency medical service (EMS) providers,• Non-emergency medical transport providers,• Medical and allied health care providers,• Banking or financial institution personnel,• Pension providers, and• Practicum students in the field of health and human services.
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none">• When a reporter has actual knowledge or reasonable cause to believe that an elderly or disabled adult is suffering from or has died as a result of abuse. <p>Where does it go?</p> <ul style="list-style-type: none">• Bureau of Adult Protective Services (671) 735-7382<ul style="list-style-type: none">• Available 8am-5pm government work days• On weekends, holidays, or after government hours, contact (671) 632-8853.

What definitions are important to know?

- **“Abandonment”** means the desertion of an elderly or adult with a disability by his or her caregiver under circumstances in which a reasonable person would continue to provide care or custody.
- **“Adult with a Disability,” or a “Disabled Adult,”** is any person eighteen (18) years or older who has a physical or mental impairment which substantially limits one or more major life activities; or has a history of, or has been classified as, having an impairment which substantially limits one or more major life activities.
- **“Elderly”** refers to a person 60 years of age or older.
- **“Elderly or Adult with a Disability Abuse”** means self-neglect or any one or more of the following acts inflicted on an elderly or disabled adult by other than accidental means by another person: physical abuse, neglect or abandonment.
- **“Emotional or Psychological Abuse”** means fear, agitation, confusion, severe depression, or other forms of serious emotional distress that is brought about by forms of intimidating behavior, threats, harassment, or by deceptive acts or false or misleading statements made with malicious intent to agitate, confuse, frighten, or cause severe depression or serious emotional distress of the elderly or adult with a disability.
- **“Major Life Activities”** means functions such as, but not limited to, caring for one’s self, performing manual tasks, standing, walking, seeing, hearing, eating, sleeping, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking and working.
- **“Neglect”** means the failure of a reasonable caregiver to provide for the physical, mental or emotional health and well-being of the elderly or adult with a disability, and includes, but is not limited to:
 - Failure to assist or provide personal hygiene for the elderly or adult with a disability.
 - Failure to provide adequate food, water, clothing or shelter.
 - Failure to provide medical care for the physical and mental health of the elderly or adult with a disability. No person shall be deemed neglected or abused for the sole reason that he or she voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.
 - Failure to protect an elderly or adult with a disability from health, safety hazards, or physical harm.
- **“Physical abuse”** means the willful infliction of or omission which results in physical harm. It includes, but is not limited to, cruel punishment resulting in physical harm or pain or mental anguish, such as direct beatings, slapping, kicking, biting, choking, burning or unreasonable physical restraint or confinement resulting in physical injury.
- **“Physical harm”** means bodily pain, injury, impairment or disease.
- **“Self-Neglect Abuse”** is characterized as the behavior of an elderly or adult with a disability that threatens his/her own health or safety. Self-neglect generally manifests itself when an elderly or adult with a disability refuses to provide him/herself with adequate food, clothing, shelter, personal hygiene, medication (when indicated), and safety precautions. The definition of self-neglect excludes a situation in which a mentally competent elderly or adult with a disability, who understands the consequences of his/her decisions, makes a conscious and voluntary decision to engage in acts that threaten his/her health or safety as a matter of personal choice.
- **“Serious Abuse”** means an act or omission resulting in serious bodily injury which creates: serious

	<p>permanent disfigurement; a substantial risk of death or serious, permanent disfigurement; severe or intense physical pain or protracted loss or impairment of consciousness or of the function of any bodily member or organ, as defined in Chapter 16 of Title 9, Guam Code Annotated; or sexual offenses pursuant to Chapter 25 of Title 9, Guam Code Annotated.</p> <ul style="list-style-type: none"> • “Sexual abuse” means any form of non-consensual sexual contact, including, but not limited to, unwanted or inappropriate sexual gratification, touching, rape, sodomy, sexual coercion, sexually explicit photographing, sexual harassment, involuntary exposure to sexually explicit material or language, and as defined in the penal code of Guam.
What timing and procedural requirements apply to reports?	<ul style="list-style-type: none"> • Oral reports must be made immediately to the Bureau of Adult Protective Services, • A written report must follow within 48 hours. <ul style="list-style-type: none"> • If oral report is made on Friday, written report will be made the next workday.
What information must a report include?	<ul style="list-style-type: none"> • The name of the person making the report and where he or she can be reached. The identity of the person making the report shall be confidential, but made available to an agency contracted by the Adult Protective Services to provide case investigation. • The name, address and approximate age of the elderly or adult with disability. • Information regarding the nature and extent of the abuse, the name of the person’s caretaker, if known, and any medical treatment being received or immediately required, if known. • The name of the person or persons responsible for causing the suspected abuse. • The source of the report. • Any other information which may assist in the investigation of the suspected abuse. The identity of the person making the report shall be confidential.
Anything else I should know?	<ul style="list-style-type: none"> • Any person other than a mandatory reporter may make such report to the Bureau of Adult Protective Services if any such person has a reasonable cause to believe that an elderly or disabled adult is suffering from or has died as a result of abuse. • The identity of the person making the report shall be confidential. Reports may also be made anonymously. • Any person required to report a case of suspected elderly or disabled adult abuse who fails to so report shall be liable for a fine of not more than \$500, except that for a second or subsequent offense, such person shall be guilty of a misdemeanor. • Any person who in good faith makes a report of suspected elderly or disabled adult abuse is immune from civil or criminal liability for reporting or testifying.
Statutory citation(s):	<ul style="list-style-type: none"> • 10 G.C.A. §21002, 21003, 21004, 21005.