

Mandatory Reporting Requirements: The Elderly Louisiana

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Question	Answer
Who is required to report?	<ul style="list-style-type: none"> • Any person (including but not limited to a health, mental health, and social service practitioner).
When is a report required and where does it go?	<p>When is a report required?</p> <ul style="list-style-type: none"> • Cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect, or exploitation. <p>Where does it go?</p> <ul style="list-style-type: none"> • Reports shall be made to any adult protection agency or to any local or state law enforcement agency. • The Adult/Elderly Protective Services hotline for reporting adult abuse is 1-800-898-4910. • Incidents of abuse, neglect, and exploitation involving adults 60 and older should be reported to Elderly Protective Services at 1-833-577-6532 or 225-342-0144.
What definitions are important to know?	<ul style="list-style-type: none"> • “Abandonment” means the desertion or willful forsaking of an adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody. • “Abuse” means the infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value. • “Adult” means any individual eighteen years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or exploitation. • “Caregiver” means any person or persons, either temporarily or permanently, responsible for the care of a person who is aged or an adult with a physical or mental disability. “Caregiver” includes but is not limited to adult children, parents, relatives, neighbors, daycare personnel, adult foster home sponsors, personnel of public and private institutions and facilities, adult congregate living facilities, and nursing homes which have voluntarily assumed the care of a person who is aged or an adult with a disability, have assumed voluntary residence with a person who is aged or an adult with a disability, or have assumed voluntary use or tutelage of the assets, funds, or property of a person who is aged or a person with a disability, and specifically shall include city, parish, or state law enforcement agencies. • “Exploitation” means the illegal or improper use or management of the funds, assets, or property of a person who is aged or an adult with a disability, or the use of power of attorney or guardianship of a person who is aged or an adult with a disability for one's own profit or advantage. • “Extortion” is the acquisition of a thing of value from an unwilling or reluctant adult by physical force,

	<p>intimidation, or abuse of legal or official authority.</p> <ul style="list-style-type: none"> • “Isolation” includes: <ul style="list-style-type: none"> • Intentional acts committed for the purpose of preventing, and which do serve to prevent, an adult from having contact with family, friends, or concerned persons. This shall not be construed to affect a legal restraining order. • Intentional acts committed to prevent an adult from receiving his mail or telephone calls. • Intentional acts of physical or chemical restraint of an adult committed for the purpose of preventing contact with visitors, family, friends, or other concerned persons. • Intentional acts which restrict, place, or confine an adult in a restricted area for the purposes of social deprivation or preventing contact with family, friends, visitors, or other concerned persons. However, medical isolation prescribed by a licensed physician caring for the adult shall not be included in this definition. • “Neglect” means the failure, by a caregiver responsible for an adult’s care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused. • “Self-neglect” means the failure, either by the adult's action or inaction, to provide the proper or necessary support or medical, surgical, or any other care necessary for his own well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be self-neglected. • “Sexual abuse” means abuse of an adult when any of the following occur: <ul style="list-style-type: none"> • The adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact; • The adult is involuntarily exposed to sexually explicit material, sexually explicit language, or sexual activity or contact; or • The adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Not specified in statute.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • All reports shall contain: <ul style="list-style-type: none"> • Name and address of the adult; • If available, name and address of the person responsible for the care of the adult; and • Any other information that the reporter believes is pertinent. • A report need not name the persons suspected of the alleged abuse or neglect.
<p>Anything else I should know?</p>	<p>Any person who knowingly and willfully fails to report is guilty of a misdemeanor and subject to a fine of not more than \$500 or imprisonment for not more than 6 months, or both.</p> <ul style="list-style-type: none"> • Any person who makes a report knowing that such information is false is guilty of a misdemeanor and subject to a fine of not more than \$500 or imprisonment for not more than 6 months, or both.

- Any person who retaliates against an individual who reports adult abuse to an adult protection agency or to a law enforcement agency shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.
 - **“Retaliation”** is defined as discharging, demoting, or suspending an employee who reports the adult abuse; or threatening, harassing, or discriminating against the reporter in any manner at any time provided the report is made in good faith for the purpose of helping the adult protection agency or law enforcement agency fulfill its responsibilities.
- No cause of action shall exist against any person who in good faith makes a report, cooperates in an investigation by an adult protective agency, or participates in judicial proceedings related to abuse. Such person shall have immunity from civil or criminal liability that otherwise might be incurred or imposed.
 - This immunity shall not be extended to:
 - Any alleged principal, conspirator, or accessory to an offense involving the abuse or neglect of the adult;
 - Any person who makes a report known to be false or with reckless disregard for the truth of the report; or
 - Any person charged with direct or constructive contempt of court, any act of perjury, or any offense affecting judicial functions and public records.

Statutory
citation(s):

La. R.S. 15:1503, 15:1504, 15:1505, 14:403.2.