

ZERO TOLERANCE POLICY

- I. **Purpose:** San Andreas Regional Center is committed to ensuring that all providers and employees understand and fulfill their responsibilities for the wellbeing of all people served by the regional center. SARC shall protect the interests of the people served by educating all mandated reporters about their legal obligations to report elder and dependent adult and child abuse and neglect; requiring mandated reporters to fully comply with the adult and child abuse and neglect reporting laws; and providing information to assist mandated reporters in reporting consumer abuse to the proper authorities. The implementation of this policy will assist in ensuring the health and safety of all individuals with a developmental disability who are provided services or supports by a service provider or a long-term health care facility.

- II. **Definitions:**
 - **Consumer, individual, and person served are used interchangeably in regional center policy and the Lanterman Development Disabilities Services Act and means a person who has been found eligible and receives services from the regional center.**
 - *Service provider* means any entity or person, or employee or contractor of said entity or person, who provides services or supports, directly or indirectly, to individuals served by the regional center through vendor agreement, contract, sub-contract, or purchase of service.
 - *Mandated reporter* means anyone required, by law, to report all known or suspected instances of abuse or neglect involving a child, dependent or elder adult. This includes anyone providing direct service or support to a child, an adult with a developmental disability, or an elderly adult.
 - Further definitions of *important terms* such as "abuse" or "neglect" may be found in California Welfare & Institutions Code sections 15610 through 15610.7 or Penal Code section 11165.6.

- III. **Policy:** California has adopted various laws to protect children, dependent adults, and elderly adults from several types of abuse and neglect. These laws equally apply to people served by San Andreas and all regional centers.

The Adult Reporting Law

The **Elder Abuse and Dependent Adult Civil Protection Act** (WIC sections 15600 - 15675) provides that any person who has assumed responsibility for the care or custody of a dependent or elder adult – including administrators, supervisors, and any licensed staff of a facility that provide care or services for adult served by the regional center – is a mandated reporter. Under the adult reporting law, any mandated reporter who experiences any of the following shall report the abuse to the applicable governmental authorities:

1. Has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, emotional abuse, financial abuse, or neglect of a dependent or elder adult.
2. Is told by a dependent or elder adult that he or she has experienced abuse or neglect.
3. Reasonably suspects the existence of abuse or neglect.

The Child Reporting Law

The **Child Abuse and Neglect Reporting Act** (PC sections 11164 through 11174.3) provides that various categories of persons who interact with a minor under the age of 18 are mandated reporters. It is important to note that the identities of mandated reporters who are obligated to report child abuse (PC section 11165.7) are different and broader than the list of mandated reporters obligated to report adult abuse. Any mandated reporter who has knowledge of or observes a person under 18 whom the mandated reporter knows, or reasonably suspects has been the victim of child abuse or neglect, shall report the abuse to the applicable government authorities.

This policy, in keeping with Article 1, Section 8 of SARC's contract with the State of California, concerns the application of such laws by all regional center employees, service providers, long-term residential and health care facilities, and all other mandated reporters providing services and supports to children and adults served by the regional center.

All employees and contractors of the regional center, service providers, long-term residential or health care facilities, and all other mandated reporters shall comply with reporting laws.

A mandated reporter must report any incident or allegation of suspected abuse or neglect to the appropriate authorities immediately or as soon as practicably possible, after his or her discovery or reasonable belief of consumer abuse or neglect.

Upon becoming aware of a reportable incident or allegation of abuse or neglect of a person with developmental disabilities, SARC, its service providers, and long-term residential or health care facilities shall take immediate action to ensure the health and safety of the involved person and all other persons receiving associated services from SARC, the service provider, or the facility.

SARC, its service providers, and long-term residential or health care facilities shall ensure that their respective employees are fully informed upon hire, and annually thereafter, regarding this Zero Tolerance Policy and mandatory abuse and neglect reporting laws. SARC, its service providers, and residential or long-term health care facilities shall further ensure that each of its respective employees are knowledgeable of their responsibility to protect consumers from abuse and neglect, the signs of abuse and neglect, the process for reporting suspected abuse or neglect, and the consequences of failing to follow the law or this Zero Tolerance Policy.

SARC shall incorporate this policy into any new or revised contract, vendor agreement, or any other agreement to provide services and supports to people served. Additionally, SARC will inform all existing service providers and residential or long-term health care facilities serving people served by the regional center of this Zero Tolerance Policy and SARC's expectation of compliance with this policy.

SARC will utilize all remedies available in statute and regulation to protect the health and safety of every person it serves.