

Vulnerable Adult Protective Services Program



What is the Vulnerable Adult Protective Services Program?

- The program addresses the safety of vulnerable adults who are at-risk of harm due to the presence or threat of **abuse, neglect, or exploitation**.
- The program is offered statewide through the N.D. Department of Human Services' regional human service centers or through local partner agencies.

What is abuse and neglect of a vulnerable adult?

- **Abuse** means any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.
- **Neglect** means the failure of a caregiver to provide essential services necessary to maintain the physical and mental health of a vulnerable adult, or the inability or lack of desire of the vulnerable adult to provide essential services necessary to maintain and safeguard the vulnerable adult's own physical and mental health.
- **Vulnerable adult** means an adult who has a substantial mental or functional impairment.
 - "**Substantial functional impairment**" means a substantial incapability, because of physical limitations, of living independently or providing self-care as determined through observation, diagnosis, evaluation, or assessment.
 - "**Substantial mental impairment**" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, evaluation, or assessment.

Additional definitions are found in North Dakota Century Code section 50-25.2-01 available at www.legis.nd.gov/cencode/t50c25-2.pdf?20130702181453.

Who does the program serve?

- The program is offered to vulnerable adults age 18 and older or to a minor emancipated by marriage with substantial mental or functional impairments which affect their health, safety, or independence.

Who can call with a concern about possible abuse, neglect, or exploitation?

- A medical or mental health professional providing care or services to a vulnerable adult who has knowledge that a vulnerable adult has been subjected to abuse or neglect is required to report.
- Anyone can call with a concern including a friend, relative, neighbor, banker, or other concerned community member.

Who do I contact to report a concern?

- Contact one of the following offices to reach Vulnerable Adult Protective Services or law enforcement.

Region	Contact Name	Phone	Toll-Free	Fax	E-mail
Bismarck	Katie Schafer	701-328-8868	888-328-2662	701-328-8900	khschafer@nd.gov
Devils Lake	Kim Helten	701-665-2269	888-607-8610	701-665-2300	khelten@nd.gov
Dickinson	Rene Schmidt	701-227-7582	888-227-7525	701-227-7575	rschmidt@nd.gov
Fargo	Cass Co. Social Services	701-241-5747 Option #3		701-239-6820	
Grand Forks	Bernie Hopman	701-795-3066	888-256-6742	701-795-3050	bfhopman@nd.gov
Jamestown	Danelle Van Zinderen	701-253-6396	800-260-1310	701-253-6400	dvanzinderen@nd.gov
Minot	Deb Kraft	701-857-8582	888-470-6968	701-857-8555	dkkraft@nd.gov
Williston	Kayla Fenster	701-774-4685	800-231-7724	701-774-4620	kfenster@nd.gov

- **Urgent:** If a vulnerable adult is in immediate danger, call law enforcement now and then one of the numbers listed above.

What happens after I make a call?

When a call about possible abuse or neglect is received, an adult protective services staff member:

- Reviews your concern by asking screening questions over the phone to determine if the adult is in serious danger and in need of immediate intervention (such as law enforcement).
- Conducts a home visit to complete an assessment and make an appropriate referral.

What else should I know after I call with a concern?

- A person, including a vulnerable adult, has the right to make his or her own decisions unless the person gives up that right or the court system gives that responsibility to someone else.
- A person, including a vulnerable adult, has the right to live how he or she wants if it does not harm others or involve a crime.
- If a vulnerable adult who is subject to abuse or neglect is unable to consent to and accept adult protective services, or if that vulnerable adult's caregiver refuses adult protective services, the department can independently pursue legal action necessary to protect the vulnerable adult from further abuse or neglect. (NDCC 50-25.2-07)

Additional Resources

ND Aging and Disability Resource LINK

Toll Free: 1-855-GO2-LINK (1-855-462-5465)

www.carechoice.nd.gov

Mandatory Reporting

Abuse and Neglect of a Vulnerable Adult



Who Must Report - Mandated Reporters

Effective August 1, 2013, North Dakota law contains a list of professionals who are required to report abuse, neglect, and exploitation of vulnerable adults. (See 2013 ND SB 2323)

- **Any of the following who provide healthcare or services to a vulnerable adult:**
 - clergy (*NOTE: not required if knowledge is gained as a spiritual advisor*)
 - addiction counselor
 - dental hygienist
 - family therapist
 - law enforcement officer
 - mental health professional
 - occupational therapist
 - physical therapist
 - social worker
 - caregiver
 - dentist
 - firefighter
 - marriage therapist
 - nurse
 - optometrist
 - physician
 - other professionals
 - chiropractor
 - emergency medical personnel
 - hospital personnel
 - medical examiner
 - nursing home personnel
 - pharmacist
 - podiatrist

Others Who May Report

- Any other person may voluntarily report to the N.D. Department of Human Services or to law enforcement.

What Must Be Reported

- A mandated reporter **is required to report as soon as possible** if, as a result of information acquired by the reporter in his or her official or professional capacity, the reporter:
 - Has knowledge that a vulnerable adult has been subjected to abuse or neglect; or
 - Observes a vulnerable adult being subjected to conditions or circumstances that reasonably would result in abuse or neglect.

How to Report

- Contact one of the following offices to reach Vulnerable Adult Protective Services or contact law enforcement.

Bismarck Region	Katie Schafer	701-328-8868	888-328-2662
Devils Lake Region	Kim Helten	701-665-2269	888-607-8610
Dickinson Region	Rene Schmidt	701-227-7582	888-227-7525
Fargo Region	Cass Co. Social Services	701-241-5747	
Grand Forks Region	Bernie Hopman	701-795-3066	888-256-6742
Jamestown Region	Danelle Van Zinderen	701-253-6396	800-260-1310
Minot Region	Deb Kraft	701-857-8582	888-470-6968
Williston Region	Kayla Fenster	701-774-4685	800-231-7724

- If the vulnerable adult is in immediate danger, please call law enforcement immediately and then one of the numbers listed above.

What to Include in the Report

To the extent reasonably possible:

- Name, age, and residence address of the alleged vulnerable adult.
- Name and residence address of the caregiver (if any).
- Nature and extent of the alleged abuse or neglect or the conditions and circumstances that would reasonably be expected to result in abuse or neglect.
- Any evidence of previous abuse or neglect.
- Any other information that, in the reporter's opinion, may be helpful in establishing the cause of the alleged abuse or neglect and the identity of the individual responsible for the alleged abuse or neglect.

Penalty

- Any person required to report who willfully fails to do so is guilty of an infraction and subject to a fine up to \$1,000.

Definitions

- "Abuse" means any willful act or omission of a caregiver or any other person which results in physical injury, mental anguish, unreasonable confinement, sexual abuse or exploitation, or financial exploitation to or of a vulnerable adult.
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Additional Resources

- For more information, visit www.nd.gov/dhs/services/adultsaging/