

Preventing Abuse and Neglect

Learner's Manual

Fourth Edition

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Rationale

Persons who have a developmental disability are at a very high risk of being abused or neglected. People on whom they rely for support and assistance may sometimes take advantage of them. These individuals often lack the power, personal resources, experience, communication skills and survival ability needed to protect themselves.

Staff members must be able to identify different types of abuse and understand the nature of abuse and neglect. They must know how to recognize possible causes of abuse and neglect. Staff must know the reporting procedures for abuse and neglect.

Objectives

The staff member . . .

1. can identify the state agencies that handle cases of abuse and neglect of people who have a developmental disability.
2. will be able to identify situations that are reportable incidents of abuse and neglect.
 - a. can define the term “physical abuse” and provide examples.
 - b. can list signs of physical abuse.
 - c. can define the term “sexual abuse” and provide examples.
 - d. can list signs of sexual abuse.
 - e. can define the term “emotional abuse” and provide examples.
 - f. can list signs of possible emotional abuse.
 - g. can define the term “neglect” and provide examples.
 - h. can list signs of possible neglect.
 - i. can define the term “financial exploitation” and provide examples.
3. will be able to identify reasons that abuse and neglect occur.
 - a. can cite personal factors that can contribute to abuse and neglect.
 - b. can cite situational factors that can contribute to abuse and neglect.
 - c. can cite organizational factors that can contribute to abuse and neglect.
 - d. can describe ways to control or avoid these factors.

4. will be able to describe the reporting procedures.
 - a. can identify the persons responsible for reporting abuse and neglect and the safeguards for reporting.
 - b. can identify the steps in making a report.
 - c. can identify the types of information needed to report (when, to whom and how to report).

Lesson 1

DEFINITIONS AND SITUATIONS

Introduction

A course on Preventing Abuse and Neglect is important because persons who have developmental disabilities are often unable to protect themselves and must rely on other people to do this. Staff members must be able to recognize any type of abuse or neglect. Staff members are responsible for creating an environment that is nurturing, protecting, consistent and safe.

It must be recognized that abuse and neglect of individuals may be done by staff, family members and other individuals, as well as strangers. The purpose of this course is to help staff members identify, stop, and report abuse and neglect.

In the state of New Jersey, as per statute "2C: 24-7. Endangering the welfare of an incompetent person" and "2C: 24-8. Abandonment, neglect of elderly person, disabled adult; third degree crime" and therefore is punishable by law.

Physical Abuse

Physical abuse is any act of a staff member that physically injures or has the potential to physically injure an individual and results in harmful effects on the individual's physical or emotional well being. This includes encouraging or allowing someone else to inflict the injury.

Any staff member who stands by and watches an individual being abused by anyone and does not try to intervene, will be held accountable for the abuse as well.

Examples of physical abuse that should be reported to your supervisor immediately are:

- a. hitting an individual with anything (e.g., with hand, fist, foot or object, etc.);
- b. shoving, tripping, pushing, pulling, scratching, pinching, cutting or biting;
- c. any sexual acts initiated by or accepted by staff;
- d. using unauthorized physical or mechanical restraints (e.g., tying someone up, turning power off on a wheelchair, holding someone down, etc.);
- e. using unauthorized chemical restraints;

- f. giving medication not prescribed or giving medication other than the prescribed amount;
- g. allowing an individual to be abused by other individuals;
- h. using corporal punishment - corporal punishment is abusing someone's body for the sake of discipline (e.g., spanking, hitting with an object, hair pulling, etc.);
- i. sneaky violence (e.g., tugging hair, poking, belt loop pulling, etc.);
- j. allowing an individual to utilize water that is too hot or too cold (e.g., staff deliberately manipulates or does not properly regulate water temperature, etc.).

Signs of Physical Abuse

Physical injuries from assaults, discipline, the over use of authorized physical, mechanical or chemical restraints and unnecessary or incorrect medication may include, but is not limited to, any of the following signs or marks:

a. Marks and/or Welts

You may observe bruises, welts or other types of physical injury because a staff member tied an individual to a chair or bed with rope or tape. Bruises can provide specific information about possible abuse, look for:

- 1. Matching bruises anywhere from shaking.
- 2. Clustered bruises on body from repeated striking.
- 3. Bruises resembling an object.
- 4. Bruises of different colors may mean the injury has been repeated.

b. Cuts, Punctures, Scratches

You may observe these because a staff member jabbed an individual with a sharp instrument, such as a pencil, or scratched an individual with fingernails.

c. Broken Bones and Skull Fractures

This may occur when a staff member pulls an individual out of bed or hits an individual's head against a wall which may result in a broken bone or skull fracture.

d. Burns, especially ones that are unusually located

This may show up because a staff member placed an individual in a scalding hot tub of water, deliberately served food that was too hot, or purposefully burned an individual with a cigarette.

e. Human Bite Marks

This might be the result of a staff member biting a person with developmental disabilities to teach that individual not to bite others or to discourage grabbing or touching.

f. Internal Injuries

Possible signs may include vomiting, blood in stool, distended abdomen, difficulty breathing. You may observe these because a staff member purposely gave an individual alcohol or drugs which resulted in sickness or internal injury; a staff member hit or punched an individual.

g. Head Injury

A subdural hematoma is a bruise on the brain that may result from a blow to the head. The symptoms may show up right away or they may gradually build. The immediate symptoms would be: headache, followed by loss of consciousness. The gradual symptoms are: headache, personality change, increasing tiredness, lack of alertness and weakness on one side of the body. These symptoms can show up over a period of weeks or even months.

h. Suspicious Scars

You may observe scars on the body which may indicate that the individual has been a victim of repeated or past abuses.

Behavioral Signs

Possible behavioral signs include:

- a. withdrawal
- b. regression
- c. increased aggression
- d. copying behavior
- e. fear of others
- f. depression
- g. backing away

Sexual Abuse

Sexual abuse is a particular form of physical abuse in which sexual activity is initiated by or accepted by staff.

Sexual abuse can be hard to recognize. It is your responsibility, however, to be aware of signs that it may have occurred and report it immediately.

Examples of sexual abuse that should be reported to your supervisor immediately are:

- a. Affectionate gestures to an individual that are too lingering and seductive or become centered on the sex organs, anus and breasts.
- b. Engaging in a sex act with a person with a developmental disability or allowing that person to be sexually abused or raped by someone else.
- c. Injury to an individual's genitals, anus, breast or mouth.
- d. Making openly sexual remarks to or about an individual.
- e. Attempting to talk an individual into sexual intercourse, fellatio, cunnilingus.
- f. Touching genitals, buttocks, breasts, etc. or allowing someone else to do this.
- g. Exposing their genitals to an individual or allowing an individual to view another person's genitals.

Signs of Sexual Abuse

Individuals who may be unable or too frightened to talk about sexual abuse may exhibit a number of behavioral and/or physical signs. Any of these signs could indicate abuse. The staff are responsible for noticing and reporting them immediately:

Behavioral Signs

- a. Extreme changes in behavior such as withdrawal, angry outbursts, masturbation or sexual aggression toward others.
- b. Recurrent nightmares, disturbed sleep patterns or fear of the dark.
- c. Regression to more infantile behavior such as bed-wetting, thumb sucking or excessive crying.
- d. Unusual interest in or knowledge of sexual matters.
- e. Expressing affection in inappropriate ways for them.
- f. A sudden change in clothing habits (e.g., layering of clothing, sleeping fully dressed or disrobing in public).
- g. Fear of a person or an intense dislike at being left somewhere or with someone.
- h. Change in personal hygiene.

Physical Signs

- a. Torn, stained or missing underclothing.
- b. Vaginal or rectal bleeding, pain, itching, swollen genitals and vaginal discharge.
- c. Sexually transmitted diseases.
- d. Genital infections.
- e. Missed menstrual cycle, pregnancy.
- f. Painful urination.

Emotional Abuse

Emotional abuse is a staff person subjecting a person to an atmosphere in which they do not feel wanted, secure, and/or worthy.

The staff are responsible for creating a home and work environment where people who have a developmental disability feel secure, safe and wanted. When this fails to happen because the actions and the attitudes of the staff are negative, emotional abuse occurs. Sometimes emotional abuse happens because the staff don't do enough to ensure a safe and supportive atmosphere.

Examples of emotional abuse that should be reported to your supervisor immediately are:

- a. Consistent negative atmosphere where person constantly feels unwanted, insecure, unworthy, etc.
- b. Teasing, humiliating or degrading (e.g., encouraging an individual to wear something the staff thinks is funny).
- c. Insults — "Go shave, you will never get a job looking like that."
- d. Swearing/cursing.
- e. Verbal abuse — "I'll tell you why the supervisor left, she couldn't stand you."
- f. Sarcasm — "So you need money. I'll just go pick it from the money tree."
- g. Preaching/lecturing — "That's not how a lady acts."
- h. Bossing/power plays — "Because I said so, that's why. I am staff."
- i. Negative prophecy — "Don't start that laundry without me, I don't want you shrinking everything again."
- j. Negative comparison — "How come you only did 15 boxes? Donna did 30."
- k. Berating or teasing an individual because of fears or phobias — "There is simply no reason to be afraid of this escalator. It's not that high."
- l. Speaking in a foreign language so that the consumers cannot understand what is being said.
- m. Using shame/guilt to embarrass or intimidate — "If you don't stop wetting your bed, I'll tell all of your friends."
- n. Nagging — "How many times do I have to tell you before you listen?"
- o. Threats — "If you don't stop, I'll call your mother."
- p. Hostile statements — "You really don't want to see me mad do you?"
- q. Staff loss of temper or self control.
- r. Denial of rights and/or privileges.

- s. Denial of access to areas of their own home — “You are not allowed in the kitchen after 9 pm.”
- t. Invading privacy (e.g., opening a door without knocking and waiting for response).
- u. Using unrelated consequences — “You can’t go to bed until your lunch is made.”
- v. Bribery — “Let’s make a deal. Take your meds and I’ll give you M&Ms.”
- w. Talking to individuals in a demeaning way, using derogatory names, degrading nicknames or ethnic slurs, name calling.
- x. Treatment or punishment that is not physically harmful in itself, but that is cruel and/or emotionally harmful, such as isolation or threatening physical harm.
- y. Taking away personal possessions without authorization in order to get someone to do something.
- z. Forcing individuals to engage in acts against their will, which are determined to threaten physical and emotional well-being.

Signs of Emotional Abuse

Signs of emotional abuse are likely to show up in changes in individual’s behavior. Some indications may include, but are not limited to:

- a. Recent or sudden changes in behavior. This could be withdrawal or angry outbursts.
- b. Unjustified fear.
- c. Unwarranted suspicion.
- d. Unwillingness to talk.
- e. Unreasonable excuses for not engaging in treatment or program activities.
- f. Fear of a person or an intense dislike at being left somewhere or with someone.
- g. Poor eye contact.
- h. Regression.
- i. Withdrawal.
- j. Self injurious behavior.
- k. Depression.
- l. Lack of emotion.
- m. Low self-esteem.
- n. Inability to concentrate.

Neglect

Neglect is the failure of a staff member to provide the support and services that people need for their physical and mental well being.

Neglect occurs when individuals are left alone or ignored by staff. It can happen when staff members do not use good judgment or put people in dangerous circumstances.

Examples of neglect that should be reported to your supervisor immediately are:

- a. Failure to report any known or suspected situations of physical abuse, sexual abuse, emotional abuse, neglect, or financial exploitation.
- b. Did not provide a program of stimulation or motivation or a plan of habilitation suited to an individual's needs and abilities (e.g., recreation activities that the staff want to do but the individuals do not).
- c. Inconsistently carrying out written behavior plans.
- d. Did not assist or supervise with individual's personal hygiene needs.
- e. Unsanitary housing condition (e.g., failure to call exterminator as necessary).
- f. Adequate clothing is not provided for weather condition (e.g., no coat available for the cold weather).
- g. Structurally unsafe housing - "I told you to leave that window alone, it's been broken for the past month, no wonder you got cut."
- h. Did not seek medical help promptly when needed - "It doesn't look that bad to me, stop complaining."
- i. Individual's clothing is not clean, does not fit, or is old and worn.
- j. The individual has persistent skin disorders from improper hygiene.
- k. The individual is consistently dirty and unbathed.
- l. Disregarding a specified medical regime without authorization - "That bandage isn't that messy, we'll change it later."
- m. Ignoring signs or symptoms of an illness (e.g., an individual exhibits persistent exhaustion).
- n. Not paying attention to individuals (e.g., talking on a personal cell phone or watching T.V.).
- o. Inadequate heating or air conditioning - "I'm not changing the thermostat. I'm comfortable in here."
- p. You believe that a staff member left someone who needs assistance unsupervised while bathing.
- q. You overhear that an individual is increasingly reluctant and fearful about leaving her room and seems almost panicky when it's time to leave the program. Staff decide to ignore her.

- r. Testing water temperature while wearing gloves.
- s. Did not follow the prescribed diet or a written plan for assisting someone when eating (e.g., feeding someone too fast, not cutting food in bite-sized pieces, etc.).
- t. You discover individuals left with a worker who has fallen asleep or under the influence of drugs or alcohol.
- u. Taking away an individual's rights (e.g., to food or denying sleep).
- v. An individual is allowed to lie or sit in feces or urine; staff fails to change diaper, clothes or bedclothes when needed.
- w. Medication is not given on time - "I'm on the phone right now, I'll do meds when I'm off."
- x. Did not provide adequate supervision (e.g., individual was left in the van alone).
- y. Allowed person to self-mutilate by sticking foreign objects into body openings or under skin, head-banging or burning him/herself.
- z. Food issues:
 - Food at unsafe temperature (e.g., too hot, too cold, not fully cooked, etc.).
 - Food that is past the expiration date.
 - Not enough food.

Signs of Neglect

Signs of neglect can be physical and/or behavioral changes in a person. The consequences can be just as serious or worse as those from physical abuse.

Physical signs or symptoms may indicate that an individual's health or medical needs are being neglected. The following are some examples:

- a. Bleeding gums or loose teeth, but the individual is not seen by a dentist.
- b. Rapid weight gain or loss and the individual has not been seen by a doctor.
- c. Malnutrition or dehydration because staff did not follow a prescribed feeding program.
- d. Decubiti (bed sores) on individuals with physical disabilities because staff members didn't follow a prescribed positioning program.
- e. An ongoing untreated cold or illness.
- f. Sunburn.

Adapted from: Smiles, Gregory J., "A Training Guide for Child Care Staff in Residential Institutions", Trenton, NJ.

Behavioral Signs

Possible behavioral signs include:

- a. Withdrawal.
- b. Regression.
- c. Increased aggression.
- d. Copying behavior.
- e. Fear of others.
- f. Depression.
- g. Backing away.

Financial Exploitation

Staff member using an individual's resources for profit or advantage.

Examples of financial exploitation that should be reported to your supervisor immediately are:

- a. Any misuse or denial of individual's personal funds — "Why bother giving him any money, he doesn't know how to spend it right."
- b. Failure of staff to provide an individual with designated monthly amount of SSI money or making a person earn those funds (e.g., through doing household chores).
- c. Unauthorized cashing of checks or use of an individual's debit card.
- d. Selling things (e.g., Avon, candy, raffle tickets, etc.).
- e. Gambling — "Here's my \$20, put your money where your mouth is."
- f. Borrowing money or personal items (e.g., DVDs, CDs, jackets, cigarettes, etc.).
- g. Allowing or encouraging a person to pay for the staff's dinner, movies, recreational activities, etc.
- h. Asking for gifts.
- i. Using an individual's personal property (e.g., washing machine, telephone, showers, radio, CD/DVD player, VCR, etc.).

Lesson 2

REPORTING PROCEDURES

Who Must Report?

Any person who knows of or suspects abuse or neglect must make a report. No one is excused from this responsibility. It includes all staff, police, doctors, nurses, social workers...and people in the community, too. This includes you!

When an employee suspects, witnesses or becomes aware of abuse or neglect of a person with a disability, the employee is required to make an immediate verbal and written report to their supervisor.

People with developmental disabilities who are receiving services from the Division of Developmental Disabilities (D.D.D.) are protected by the policies and procedures established by the Division of Developmental Disabilities. This agency must be notified of any suspected abuse, neglect, or exploitation. A verbal and written report must be made to the Division of Developmental Disabilities according to procedures as defined in D.D.D. Circular #14.

In New Jersey, legislation has been passed that names the Division of Youth and Family Services as the state agency that protects children to age 18. This agency must be notified of any suspected abuse, neglect, or exploitation of children.

Adult Protective Services shall be notified if the person does not live in a provider agency residence.

A legal guardian must be notified of any suspected abuse, neglect, or exploitation.

Staff should be aware that failure to report suspected abuse or neglect may lead to legal action.

If an individual reports any incidents of abuse or neglect of themselves or anyone else, you must follow up with both a verbal report and a written report.

It is safe to report. These reports are confidential from other staff members. You have immunity and protection from retaliatory action. That means you cannot get into trouble with the law or at work if you make a report and it turns out you are wrong. It also means you cannot get into trouble if you are right. You are required to make the reports and your job may be in jeopardy if you don't follow through with them. All reports are considered confidential.

Steps in Making a Report

1. Intervene immediately. If necessary, give first aid or call emergency medical care or police protection.
2. Notify your supervisor immediately.
3. Fill out an incident report according to agency policy.
4. Notify the legal guardian, if applicable.

Things to consider when reporting an incident

Who — All staff members involved. Individuals with disabilities involved — if you must refer to other individuals, identify them according to your agency policy.

What — Describe only what you see or hear. Don't make assumptions or assign reasons.

Example "At 8:00 P.M., I entered Donald T's room and found him on the floor."

If it is relevant, include information describing the events that occurred before the incident.

When — Day, date, time.

Where — Location.

Investigating a Report

Reports of suspected abuse and neglect will be investigated according to the policies of the agency and the Division of Developmental Disabilities.

Lesson 3

ABUSE AND NEGLECT CASE STUDIES

In order to better understand this large amount of information, staff members need the opportunity to apply it in a variety of situations. The following case studies provide this opportunity.

Case Study 1

Two staff persons are given program money to buy groceries for a holiday party to be held for the individuals at the program. After getting all of the items for the party at the supermarket, one staff person also puts 2 packages of Pampers, Size 2 (12-18 lbs) into the cart. The staff person states, "the program can spare the money and no one will notice it anyway." When the two staff persons return to the program, the staff person who "bought" the diapers puts them into his car. The staff persons then unload the groceries into the program.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation

2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 2

A staff person has just gathered her jacket and backpack and is about to leave at the end of the shift, when the supervisor asks the staff person to help position Gary. The staff person quickly drops the jacket and backpack on a chair, and follows the supervisor back to help Gary.

When the staff person returns, the staff person finds that Jenny went into the backpack. Jenny is holding an empty medicine bottle that contained the prescription antibiotics the staff person was taking. Jenny is chewing the medication.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation
2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 3

Bonita had made several advances toward one of the staff. The staff person was aware of Bonita's attraction and usually responded to her advances with a smile. The staff person joked about them superficially with Bonita. After five months of this "friendly" relationship, the staff person responded to one of Bonita's advances by hugging and kissing her. Since this incident they have become friendlier, although the staff person claims the only sexual relation has been in the form of kissing. The staff person readily admits taking her to the staff person's home during work time. The staff person says that in three or four months Bonita will be moving to a more independent living situation and that Bonita is an adult. The staff person says that there is nothing wrong with their behavior.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
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 - E. Financial Exploitation

2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 4

A staff person sees the supervisor yelling at 12-year-old Patti for crawling on the floor (Patti can walk). The supervisor continues to harshly yell at Patti, "We don't have time or staff to wait for you" and proceeds to forcefully place the child in a chair and ties Patti in. Patti is left in the chair as the other individuals are assisted with their showers. During this time, the supervisor continues to tell Patti that, "this is what happens when you don't cooperate."

After the other people get their showers, the staff person observes the supervisor bathing Patti even though Patti is able to bathe herself.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation
2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 5

Today one staff member has called out sick, so trying to get lunch ready for everyone is really hectic. A staff member has been assigned to assist 78-year-old Frank. When the staff person checks for any special diets he reads that Frank is on a blended diet, however the lunch today is a ham and cheese sandwich. He decides that if he chops the food up himself it should be okay and proceeds to do this. Frank gags on a piece of the sandwich and starts choking and cannot cough, speak or breathe. A staff person performs back blows and abdominal thrusts on Frank.

1. After reading this case study, decide as a group whether it has one or more of the following categories.

- A. Physical Abuse
- B. Sexual Abuse
- C. Emotional Abuse
- D. Neglect
- E. Financial Exploitation

2. Explain your choice(s).....

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3. What immediate action for the individual should be taken after it happens?

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4. How should it be reported?.....

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5. What other responsibilities are there?

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6. What should have been done to prevent the event from happening?

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Case Study 6

A staff person answers her personal cell phone as three individuals are getting out of the van. On the way in, the staff person walks behind the individuals, talking on the cell phone and making plans. Tom, one of the individuals, is a 60-year-old man who requires assistance walking up and down stairs. Tom asks the staff person to help him up the stairs. The staff person replies to Tom, "hang on a second", but while the staff person keeps talking, Tom begins to go up the stairs on his own. He falls backwards down the stairs striking his head on the ground. He is bleeding from a cut on his head.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation

2. Explain your choice(s).....
.....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 7

In early December, John arrived at the Adult Training Center wearing a pair of summer slacks, a t-shirt, sandals, and a light jacket. A workshop staff person immediately called John's group home to ask why John was dressed this way when it was snowing. The manager in charge, who received the call, asked the staff person, who worked the morning shift, for an explanation. He sarcastically replied, "John chose that outfit himself this morning and John has the right to dress as he wants to!"

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
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2. Explain your choice(s).....
.....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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.....

6. What should have been done to prevent the event from happening?
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Case Study 8

A staff person and Bill were sitting in the living room. Bill looked at the clock and he suddenly began to get visibly agitated. The staff person said "Hey, what's wrong, Bill?" Bill said, "Nothing, leave me alone." The staff person knew that Bill's parents were supposed to pick him up an hour ago for a weekend visit.

Bill began kicking some of the furniture. One of the other individuals yelled out "Stop that, you jerk, I hate you!" The staff person kept watching. Bill said, "Who said that?" and picked up a chair and headed towards a group of individuals at the other end of the room. The staff person said "Put that chair down Bill before I make you put it down." Bill said, "Oh yeah, let's see you make me put it down." The staff person approached Bill and said "I said put it down." Bill began to back away. The staff person charged Bill, grabbed the chair and pulled Bill to the floor and held him down. Bill struggled and the staff person tried to get Bill to stop kicking. Bill continued to struggle. The staff person held Bill down until Bill calmed down. The staff person noticed blood in Bill's right ear.

1. After reading this case study, decide as a group whether it has one or more of the following categories.

- A. Physical Abuse
- B. Sexual Abuse
- C. Emotional Abuse
- D. Neglect
- E. Financial Exploitation

2. Explain your choice(s).....

.....

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3. What immediate action for the individual should be taken after it happens?

.....

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4. How should it be reported?.....

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5. What other responsibilities are there?

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6. What should have been done to prevent the event from happening?

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Case Study 9

An assistant supervisor is helping Lisa with her toileting. The assistant supervisor notices what appears to be rug burns on Lisa's legs and on her knees. Lisa was unable to tell how she got the rug burns.

The assistant supervisor checked the documentation from the day before but couldn't find any report concerning Lisa or what happened. The assistant supervisor then asked several staff members if they knew anything about the rug burns. No one knew how Lisa got hurt.

Later in the week, another staff person told the assistant supervisor that she saw a staff person drag Lisa from a floor mat to her wheelchair and then pull Lisa into the chair without help.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation
2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 10

While Susan was eating pizza she spilled some on her blouse. A staff person hears a co-worker yelling and swearing at Susan for the mess. Thirty minutes later, the staff person goes into the kitchen area and sees Susan sitting alone in the dirty blouse. The coworker helped the staff person get this job and the two staff are friends.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation

2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 11

You see a staff person go into the TV room where Tony, Ron and Stacey are watching TV. The staff person switches the channel to a program that the staff person wants to watch. Tony says, "Hey we have the right to watch TV." The staff person says, "Forget your rights, if you don't sit down and be quiet, you won't be allowed to watch any TV." The staff member sits down to watch the TV program. A few minutes later, the individuals leave the room.

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation

2. Explain your choice(s).....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 12

An individual has a behavior support plan. All staff have been trained to implement the plan. You have been working with a staff person that says, "I don't like the plan and I don't have time to do it. I manage the behavior the way I want to, but I document on the tracking sheet that I am implementing the plan."

1. After reading this case study, decide as a group whether it has one or more of the following categories.

- A. Physical Abuse
- B. Sexual Abuse
- C. Emotional Abuse
- D. Neglect
- E. Financial Exploitation

2. Explain your choice(s).....

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3. What immediate action for the individual should be taken after it happens?

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4. How should it be reported?.....

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5. What other responsibilities are there?

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6. What should have been done to prevent the event from happening?

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Case Study 13

You and your coworker happen to speak the same second language. Greg is an individual who speaks and understands only English. The staff person tells you, in the second language, “Greg deliberately wets and soils himself, just to make me mad.”

Today, Greg has several episodes of diarrhea after lunch. While the staff person is cleaning him up the staff person tells him in the second language that he is “worse than a dog” and “hopes that he dies.”

1. After reading this case study, decide as a group whether it has one or more of the following categories.
 - A. Physical Abuse
 - B. Sexual Abuse
 - C. Emotional Abuse
 - D. Neglect
 - E. Financial Exploitation
2. Explain your choice(s).....
.....
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3. What immediate action for the individual should be taken after it happens?.....
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4. How should it be reported?.....
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5. What other responsibilities are there?
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6. What should have been done to prevent the event from happening?
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Case Study 14

A staff person and James decide to order take-out from a local chain restaurant that they both enjoy. They drive to the restaurant together in the van, but arrive before the food is ready. The hostess says their order should take another 10 minutes. James does not want to wait in the restaurant, which is very crowded and noisy. He prefers to wait in the van. It is in James' IHP that he can be left alone for up to 15 minutes, so the staff person goes inside to wait for the food, leaving the van running so James can listen to the radio.

The staff person comes out with the order 20 minutes later and finds James outside the van. The van is still running, with the keys locked inside.

1. After reading this case study, decide as a group whether it has one or more of the following categories.

- A. Physical Abuse
- B. Sexual Abuse
- C. Emotional Abuse
- D. Neglect
- E. Financial Exploitation

2. Explain your choice(s).....

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3. What immediate action for the individual should be taken after it happens?

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4. How should it be reported?.....

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5. What other responsibilities are there?

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6. What should have been done to prevent the event from happening?

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Lesson 4

POSSIBLE CAUSES AND TECHNIQUES FOR PREVENTION

Introduction

There can be any number of reasons for abuse and neglect to occur in a home or at work. The reasons can be related to personal factors or to the situations in which staff members find themselves. The reasons might be related to problems with the agency itself. Staff members need to learn how to recognize signs in themselves that trouble could be starting. They must also learn how to read situations so problems can be avoided whenever possible. The following case study and exercises will help you do this.

The Holiday Incident

Ted Brown is on duty at the South Fork Residence, a community-based program for people who have a developmental disability. He is 29 years old. He has been working at the program for two weeks and because he is new and has the least seniority, he was scheduled to work Thanksgiving Eve and Thanksgiving Day. Ted lost his job at a small construction company in August. The company closed due to slow home building. Ted was given an excellent reference by the construction company owner. Ted has a high school diploma. He has a wife and 4 year old daughter.

Ted was scheduled to work a double shift from 11 pm to 7 am and 7 am to 3 pm. However, at 3 pm his replacement called in sick. Ted called his supervisor and told her what had happened. She called the on-call director of the agency. The supervisor called Ted back and said that they would try to get someone else to come in, but that Ted would have to stay there until someone else did come in to relieve him. The director never called the supervisor back, neither did the supervisor call Ted back. Ted called his wife who became very angry and he hung up on her. In the residence were four men. Several of the other men were visiting family for Thanksgiving.

At around 7:30 p.m. Jack Ferris started getting angry because his sister did not take him to her house for Thanksgiving. A family member called and said that Jack's sister had a cold so they thought that Jack shouldn't visit. Ted tried to talk to Jack, saying that he understood how upset he must be. Ted asked Jack to join everyone in the living room. Jack went in and put the stereo on as loud as it would go. Ted asked Jack to turn it down. Jack said, "Make me." Ted said, "Come on Jack, don't make me do something we'll both be sorry for." The other men began to support Jack and bang the furniture. Ted ordered everyone to their rooms. Jack yelled out, "I hate you!" followed by some cursing. Ted said, "Look I'm not home for Thanksgiving either and it's because of you." Ted took Jack by the arm to bring him in to his room. Jack picked up an ash tray to throw at Ted who blocked the ash tray and punched Jack in the jaw. Jack fell to the ground and began crying for his sister. Jack was bleeding.

Factors That May Lead to Abuse and Neglect

1. When you come to work upset
2. When you have to break up a fight between people with disabilities or redirect aggressive behaviors
3. When you are really angry with an individual who is cursing at you or hurting you
4. When you want to “wait and see” until tomorrow about a certain situation
5. When an individual refuses to do something
6. When you make a threat
7. When you aren't sure who needs you more
8. When you are tired and you aren't sure if you can stay awake
9. When you have had a drink or taken drugs before you come to work
10. When you are unsure how to deal with a medical emergency
11. When you are unsure of what clothing is appropriate to wear to work
12. When you think you are joking
13. When working with people of different cultures
14. When the physical environment is inadequate or unsafe
15. When work pressure is getting intense
16. When the program is short staffed
17. When you don't make as much money as you think you should
18. When you think you need more training

Techniques for Preventing Abuse and Neglect

The factors having to do with personal feelings and personal situations are aspects of abuse and neglect. However, the work situation can also contribute. It is important to understand that although there can be personal, situational and organizational factors this is not an excuse for any abuse or neglect. Ever.

1. Do you think you might ever come to work when you feel upset?
 - a. Tell supervisor about the problem.
 - b. If you are severely upset, take time off.
 - c. Your ideas
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2. Do you think you might ever have to break up a fight between people with disabilities or try to control an individual's aggressive behavior?
 - a. Intervene verbally to calm the situation.
 - b. Know your agency's crisis prevention intervention and management policies.
 - c. Give the individuals acting out an avenue of escape so they can change their minds.
 - d. If you must use personal control techniques, have thorough knowledge of how to do so safely and legally.
 - e. If necessary, call 911.
 - f. Your ideas.....
 -

3. Do you think you might ever become really angry with a person who has a disability, who is cursing at you or hurting you?
 - a. If possible, put some physical distance between yourself and the individual, but maintain a level of supervision.
 - b. Only when your irritation has passed, return to the situation.
 - c. Explore reasons you both are upset.
 - d. Don't take it personally.
 - e. Use techniques you have been trained in by your agency to calm the situation.
 - f. Your ideas.....
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4. Do you think you might ever decide to "wait and see" until tomorrow concerning some problem with a person with a disability?
 - a. DO NOT WAIT.
 - b. Report (both verbal and written) as soon as possible.
 - c. Call for your supervisor
 - d. Ask for help from another staff person if possible.
 - e. Your ideas
 -

5. Do you think a person with a disability might ever refuse to do something, such as take their medication?

- a. Ask why they are refusing.
- b. Remember — the individual has the right to refuse.
- c. Use behavioral supports.
- d. Don't take it personally!
- e. Ask for help from another staff person, if possible.
- f. Your ideas

.....

6. Do you think you might ever make a threat?

- a. Don't ever make threats.
- b. Remember words have power.
- c. Your ideas

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7. Do you think you might ever stop supervising a person with a disability to take care of something else?

- a. Decide who needs your supervision most and start with that situation.
- b. Ask for help from another staff person, when possible.
- c. Your ideas

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8. Do you think you might ever fall asleep on the job?

- a. Get enough sleep so that you are alert on the job.
- b. Don't sit down, stay active.
- c. Inform your supervisor before going to work if there are issues causing you to be sleepy.
- d. Your ideas

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9. Do you think you might ever have an alcoholic drink or take some drugs before coming to work?

- a. Never drink alcohol or take drugs before coming to work.
- b. If you are taking prescribed medication or over the counter medication, be aware of the possible effects, how it will affect your ability to do your job, and inform your supervisor about your concerns.
- c. Your ideas

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10. Do you think you could find yourself in a medical emergency and not know what to do?

- a. If it's an emergency, call 911.
- b. Follow instructions given to you when you call 911.
- c. Your ideas
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11. Do you think you might ever wear inappropriate clothing to work?

- a. Remember to dress professionally.
- b. Do not wear revealing clothing.
- c. Do not wear clothes with inappropriate messages.
- d. Check with your supervisor about your agency's dress code or specific issues that individuals may have with staff clothing.
- e. Your ideas
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12. Do you think you might make fun of the individual or pick on him/her?

- a. Do not mock individuals with insulting names, make fun of their behavior, movement or looks, whether the individual is present or not.
- b. People can tell by the tone and inflection of your voice that you are picking on them.
- c. Avoid sarcasm and teasing.
- d. Your ideas
-

13. Do you think your job performance might be effected if the cultures are different between you and the individual?

- a. Be aware that the needs of the individual *must* be met first.
- b. Support everyone's differences.
- c. Learn more about the culture, religion, language, and food of the individual.
- d. Your ideas
-

14. Do you think if the physical environment (e.g. inadequate or unsafe areas of home or work) is poor that it is ok to lower your job performance?

- a. Make sure the individuals are safe.
- b. Report it (verbal and written) — often.
- c. Immediately take steps to deal with the problem.
- d. Your ideas
-

15. Do you think that because there might be extreme work pressure it is ok to not do your job as well as you should?

- a. Don't take it out on the individuals.
- b. Talk to your supervisor about taking some time off.
- c. Ask for help from your supervisor or another staff person.
- d. Your ideas

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16. Do you think that lack of staff or supervisors is an excuse to treat the individuals poorly?

- a. Don't take it out on the individuals.
- b. Don't do more hours than you can handle.
- c. Don't try to do everything on your own.
- d. Your ideas

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17. Do you think that a good reason to treat an individual with a developmental disability badly is that you don't make as much money as you think you should?

- a. Don't take it out on the individuals.
- b. Remember that you have a responsibility.
- c. Don't allow it to effect the quality of service you provide.
- d. Your ideas

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18. Do you think that the only way to know right from wrong is to have training?

- a. Don't use this as an excuse not to do a good job.
- b. Ask for more information on available training.
- c. Ask for help from another staff person or your supervisor.
- d. Find a mentor.
- e. Your ideas

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GLOSSARY

Assault — a violent attack.

Bribe — anything given or promised to persuade or induce.

Bribery — the act or practice of giving or accepting a bribe.

Copying behavior — an imitation of the actions of others.

Cunnilingus — the oral stimulation of the female genitalia.

Depression — the state of lowered spirits; dejected, to be sad or gloomy.

Exploitation — utilization of others money or belongings for profit.

Fellatio — the oral stimulation of the penis.

Rape — the act of physically forcing a person to have sexual intercourse.

Regression — the act of going back to an earlier place or less advanced state.

Sodomy — anal intercourse committed by a man with a man or woman.

Withdraw — to remove oneself from some activity or state, as in to withdraw from reality or to draw back, away or aside.

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NEW JERSEY LAW

2C:24-7. Endangering the welfare of an incompetent person

A person is guilty of a disorderly persons offense when he knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a person who is unable to care for himself because of mental disease or defect.

L.1978, c. 95, s. 2C:24-7, eff. Sept. 1, 1979.

2C:24-8. Abandonment, neglect of elderly person, disabled adult; third degree crime

1. a. A person having a legal duty to care for or who has assumed continuing responsibility for the care of a person 60 years of age or older or a disabled adult, who abandons the elderly person or disabled adult or unreasonably neglects to do or fails to permit to be done any act necessary for the physical or mental health of the elderly person or disabled adult, is guilty of a crime of the third degree. For purposes of this section "abandon" means the willful desertion or forsaking of an elderly person or disabled adult.

b. A person shall not be considered to commit an offense under this section for the sole reason that he provides or permits to be provided nonmedical remedial treatment by spiritual means through prayer alone in lieu of medical care, in accordance with the tenets and practices of the elderly person's or disabled adult's established religious tradition, to an elderly person or disabled adult to whom he has a legal duty to care for or has assumed responsibility for the care of.

c. Nothing in this section shall be construed to preclude or limit the prosecution or conviction for any other offense defined in this code or in any other law of this State.

L.1989,c.23,s.1; amended 1999, c.8.

RESOURCES

National Hotlines

National Domestic Violence Hotline

Web Site: <http://www.ndvh.org/>

Hotline: 800-799-7233

TTY Hotline: 800-787-3224

The hotline service, also available through a dedicated TTY line, provides victims of domestic violence and those calling on their behalf, information about domestic violence, crisis intervention services, and referrals to local service providers. The web site also provides general information on the issue of domestic violence and abuse.

RAINN / National Sexual Assault Hotline

Web Site: <http://www.rainn.org>

Hotline: 800-656-4673

Sponsored by RAINN (Rape, Abuse & Incest National Network), the national hotline provides free, confidential information to assist sexual assault victims in finding services and support. Based upon the caller's area code, the hotline will automatically refer individuals to counselors stationed at their nearest RAINN member center.

National Child Abuse Hotline

Web Site: http://www.childhelpusa.org/programs_hotline.htm

Hotline: 1-800-4-A-CHILD / (1-800-422-4453)

The National Child Abuse Hotline is a free, 24 hour service which provides individual consultations, referrals to local resources, information and assistance for professionals, and support for parents concerned about losing control. Translation services are available in approximately 140 languages.

Web-based Information & Resources

Association of University Centers on Disabilities (AUCD)

Ending Violence Against People with Disabilities

Special Interest Group Main Page

<http://aucd.org/AbuseandNeglect/SIGMain.htm>

There are different sections on related news and events, resources, and activities

Victims of Crime with Disabilities Resource Guide

Web Site: <http://wind.uwyo.edu/resourceguide/>

The Resource Guide provides the most comprehensive collection of information and resources focused on ending crimes against people with disabilities. The web site includes an extensive resources database, a searchable calendar of events, information on funding opportunities, current news and updates, and online discussions.

National Center for Victims of Crime (NCVC)

Web Site: <http://www.ncvc.org/>

Helpline: 800-394-2255

Through collaborations with local, state, and federal partners, the National Center for Victims of Crime provides victim services and resources, advocates for public policies that ensure victim rights, and delivers trainings and technical assistance to service providers. NCVC also sponsors a helpline which can provide information about options available to victims, as well as referrals to local services.

OVC Links to Victim Assistance and Compensation Programs

Web Site: <http://www.ojp.usdoj.gov/ovc/help/links.htm>

The web page provides links to state agencies within the United States that have established compensation programs to assist and reimburse crime victims. Contact information for each agency is organized geographically by state.

National Disabilities Rights Network (NDRN)

Web Site: <http://www.napas.org/>

NDRN is a national membership association of protection and advocacy systems and client assistance programs. The NDRN site provides access to state organizations that provide assistance to individuals with disabilities. Additionally, NDRN advocates for equal opportunity and full community inclusion by assisting with the enforcement of laws that protect the civil and human rights of people with disabilities.

American Bar Association's Consumer's Guide to Legal Help

Web Site: <http://www.findlegalthelp.org>

Provided as a public service by the American Bar Association's Division for Legal Services, the web site provides basic information on finding and using legal services, as well as a legal directory organized by state.

National Alliance for the Mentally Ill (NAMI)

Web Site: <http://www.nami.org/>

Information Helpline: 800-950-6264

NAMI is a nonprofit, support and advocacy organization of consumers, families, and friends of people with severe mental illnesses. NAMI works to achieve equitable services and treatment for more Americans living with severe mental illnesses and their families.

National Criminal Justice Reference Service (NCJRS)

Web Site: <http://www.ncjrs.org/>

Phone: 800-851-3420

NCJRS is a federally funded resource offering justice and substance abuse information to support research, policy, and program development worldwide. NCJRS offers a range of services and resources including a reference and referral service, several electronic news and announcement publications, access to hundreds of criminal justice publications, a searchable abstracts database, and an online events calendar.

Quality Mall

Website: <http://www.qualitymall.org>

There are many books, videos, and other materials relating to abuse and neglect.

Online Curriculum & Trainings

Abuse and Neglect of Children and Adults with Developmental Disabilities - A Problem of National Significance: The Partnership for People with Disabilities (VA UCEDD) has created an online training titled, Abuse and Neglect of Children and Adults with Developmental Disabilities: A Problem of National Significance. This online training was developed as a Project of National Significance funded by the Administration on Developmental Disabilities, in collaboration with seven other UCEDDs and five Protection and Advocacy Centers. The comprehensive course content covers the complexity of issues related to maltreatment of persons with developmental disabilities. The training is ongoing and self-paced, and includes videos and interactive graphic design. Continuing education credits for many professionals are pre-approved. For more information, visit the course website at <http://www.maltreatment.vcu.edu/info/>.

Information on Statistics Regarding Sexual Abuse

People with Mental Retardation and Sexual Abuse" written by Leigh Ann Reynolds which can be found at <http://thearc.org/faqs/sexabuse.html>