



**Identifying, Reporting, and Preventing
Abuse and Neglect
of Persons Receiving Services from
the Division of Developmental Disabilities (DDD)
A Self-Advocacy Guide
for Family, Friends, and Guardians**

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This Self-Advocacy Guide is available in alternative formats upon request.

Disclaimer: The purpose of this Guide is to provide general information to individuals about their rights and protections under the law. It is not intended as a substitute for legal advice. You may wish to contact the Arizona Center for Disability Law or consult with an attorney in your community if you require further information or legal advice.

Please be aware that federal and state law can change at any time. If you have any questions about the continued validity of any information in this Self-Advocacy Guide, contact the Arizona Center for Disability Law or an attorney in your community.

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INTRODUCTION

Abuse and Neglect Against People with Developmental Disabilities

Unfortunately, many adults and children with developmental disabilities are abused or neglected every year in Arizona. Nationally, individuals with developmental disabilities are 4 to 10 times more likely to be victims of crime than those without disabilities.¹ Among adults who are developmentally disabled, as many as 83% of females and 32% of males are the victims of sexual assault during the course of their lives.² Children with disabilities are 1.7 times more likely to be abused or neglected than children without disabilities.³ These numbers may be much higher, as many cases of abuse and neglect are never reported to the proper authorities.

Misconceptions and stereotypes about people with disabilities put those with disabilities at an increased risk of abuse and neglect. Historically, people with disabilities have faced discrimination, segregated from the general community, and denial of opportunities for education and other life experiences. Negative stereotypes about people with developmental disabilities, including the perceptions that they are inherently suffering due to their disabilities, are incapable of making decisions, and feel little or no physical or emotional pain, increase their vulnerability for abuse and neglect. These same stereotypes also decrease the credibility of a person with a

¹ Joan Petersillia, "Invisible Victims: Violence Against People with Developmental Disabilities," 27 *Human Rights* 9 (2000).

² Johnson, I., & Sigler, R, "Forced Sexual Intercourse Among Intimates," 15 *Journal of Interpersonal Violence* 1 (2000).

³ Child Welfare Information Gateway, *The Risk and Prevention of Maltreatment of Children with Disabilities* (2001).

developmental disability when they report abuse, neglect, or other crimes.⁴

The reliance of people with developmental disabilities on others for care and support also increases their risks for abuse and neglect. Sixty-seven percent of perpetrators who abused individuals with severe cognitive disabilities accessed them through their work in disability services.⁵ Similarly, 97% to 99% of abusers are known and trusted by the victim who has developmental disabilities.⁶ Many people with disabling conditions are especially vulnerable to victimization because of the real or perceived inability to fight or flee, notify others, or testify about the victimization.⁷

Purpose of this Guide

Abuse and neglect of adults and children with developmental disabilities is never okay. In most cases, there is a state agency that is charged with investigating allegations of abuse or neglect and protecting people with developmental disabilities from future abuse and neglect. In some cases, the abuse or neglect is a criminal action that can be prosecuted by local, state and even federal authorities. In addition, civil monetary damages may also be available for injuries suffered

⁴ Tyiska, C., "Working with Victims of Crime with Disabilities" *Office of Victims of Crime Bulletin*, Department of Justice, Office of Crime (1998); Sobsey, D. and S. Mansell. "The Prevention of Sexual Abuse of people with Developmental Disabilities," 18 *Developmental Disabilities Bulletin* 2 55-66 (1990).

⁵ Sobsey, D. et al., *Violence and Disability; An Annotated Bibliography* (1995); Young, M.E., et al., "Prevalence of Abuse of Women with Physical Disabilities." *Archives of Physical Medicine and Rehabilitation Special Issue* 78(12, Suppl. 5) S34-S38.

⁶ Balderian, N., *Sexual Abuse of People with Disabilities* (1995).

⁷ U.S. Department of Justice, "Working with victims of crimes with disabilities," *Office for Victims of Crime Bulletin* (2001).

as a result of abuse and neglect.

This Guide is intended to help family members, friends, and guardians of those with developmental disabilities to identify, report, and prevent abuse and neglect of their loved ones. This Guide will address ways to intervene in suspected abuse or neglect.

This Guide is specifically intended to address abuse and neglect that occurs in programs or services provided and funded by the Arizona Division of Developmental Disabilities, a part of the Arizona Department of Economic Security. These services may include, but are not limited to: group homes; adult and child development homes (i.e. foster homes); independent living arrangements; day programs; habilitation programs and providers; and respite services. Abuse and neglect in these settings may include staff-on-client abuse or neglect or peer-on-peer abuse, which is often a result of negligent staff oversight. Although the resources in this Guide may be helpful in other types of situations, the Guide is not intended to address abuse or neglect by parents, guardians, neighbors, the police, or that which occurs in school settings.

Division of Developmental Disabilities (DDD)

The mission of the Arizona Division of Developmental Disabilities is to support the choices of individuals with disabilities and their families by promoting and providing within communities flexible, quality, consumer-driven services and supports.

DDD fulfills this mission by serving two functions in Arizona. First, DDD is the state agency mandated to provide supports and services to eligible adults and children with cognitive disabilities, autism, cerebral palsy, and epilepsy. A person with a developmental disability is a person who (1) has one of these four disabilities that manifested before age 18 and (2) has the

required impairments in major life activities. As of 2007, DDD served approximately 27,000 people with developmental disabilities.

Second, DDD is also the long-term care plan for people eligible for DDD who are also eligible for Medicaid services from the Arizona Long Term Care System (ALTCS).⁸ ALTCS is a division of Arizona's Medicaid program, the Arizona Health Care Cost Containment System (AHCCCS).

Thus, DDD provides supports and services to eligible members with both state money (DDD-State only members) and Medicaid money (DDD/ALTCS members).

⁸ This Guide does not address eligibility issues for DDD or ALTCS. For further information about DDD eligibility, please see the DDD website at www.de.state.az.us/ddd. For further information about ALTCS eligibility, please see the AHCCCS website at www.ahcccs.state.az.us/site.

THE RIGHTS OF PEOPLE WITH DEVELOPMENTAL DISABILITIES

Arizona law defines numerous rights of persons with developmental disabilities.

These rights are defined by state statute, regulation, and DDD policies. A person with a developmental disability has these rights regardless of whether s/he is under guardianship.

Below is a list of some of the rights of a person with a developmental disability guaranteed by Arizona state law⁹:

- ◆ To receive services in the least restrictive environment
- ◆ To receive a semi-annual review of services to ensure that the member's needs are met by DDD
- ◆ To be protected from exploitation and abuse on the basis of developmental disability
- ◆ To be free from mistreatment, neglect and abuse by service providers
- ◆ To be free from unnecessary and excessive medication
- ◆ If residing in a residential program supported by DDD, to have a humane and clean physical environment, the right to communication and visits with friends, family, and advocates, and the right to have personal property

⁹ A complete list of the rights of people with developmental disabilities can be found in the DDD state regulations, A.A.C. R6-6-107, and in the Arizona state statute authorizing the Division of Developmental Disabilities, A.R.S. § 36-551.01

DEFINING AND DOCUMENTING ABUSE AND NEGLECT

Legal Definitions of Abuse and Neglect

THE DDD STATUTE¹⁰

The DDD statute is the state law that establishes the Division of Developmental Disabilities. It also outlines the duties of DDD and defines the rights of people with developmental disabilities. The law also explains what constitutes abuse or neglect of a person with a developmental disability.

Under the DDD statute:

Abusive treatment is:

- (a) Physical abuse by inflicting pain or injury to a client. This includes hitting, kicking, pinching, slapping, pulling hair or any sexual abuses.
- (b) Emotional abuse which includes ridiculing or demeaning a client, making derogatory remarks to a client or cursing directed toward a client.
- (c) Programmatic abuse which is the use of an aversive stimuli technique that has not been approved as a part of such person's individual program plan and which is not contained in the rules and regulations adopted pursuant to subsection B of section 36-561. This includes isolation or restraint of a client.

Neglect is:

- (a) Intentional lack of attention to physical needs of clients such as toileting, bathing, meals and safety.
- (b) Intentional failure to report client health problems or changes in health condition to immediate supervisor or nurse.
- (c) Sleeping on duty or abandoning work station.
- (d) Intentional failure to carry out a prescribed treatment plan for a client.

¹⁰ A.R.S. § 36-569

THE ADULT PROTECTIVE SERVICES STATUTE¹¹

The Adult Protective Services statute establishes Adult Protective Services, a state agency mandated to protect vulnerable adults from abuse and neglect by receiving and investigating incidents of abuse, neglect, or exploitation of incapacitated or vulnerable adults. The statute also establishes certain violations to be criminal, and outlines specific civil remedies for damages caused to the victim. Many, although not all, people with developmental disabilities are vulnerable adults under Arizona law.

Under the APS statute:

A vulnerable adult is:

A person 18 years or older who is unable to protect him/herself from abuse, neglect or exploitation.

Abuse is:

Intentional infliction of physical harm; injury caused by negligent acts or omission; unreasonable confinement; or sexual abuse or sexual assault.

Emotional Abuse is:

A pattern of ridiculing or demeaning the vulnerable adult who is a patient or resident in any setting in which health care, health related services or assistance with one or more of the activities of daily living is provided, making derogatory remarks to the vulnerable adult, verbally harassing the vulnerable adult or threatening to inflict physical or emotional harm on the vulnerable adult.

¹¹ APS Statute: A.R.S. §§ 46-451 to 457. Statute regarding disclosure of confidential information: A.R.S. § 41-1959; Special Visitation Warrants for APS workers: A.R.S. § 14-5310.01; Criminal statute for abuse of vulnerable adult or child: A.R.S. § 13-3623.

Neglect is:

A pattern of conduct without the person's informed consent resulting in deprivation of food, water, medicine, medical services, shelter, cooling, heating or other services necessary to maintain minimum physical or mental health.

Exploitation is:

The illegal or improper use of an incapacitated or vulnerable adult or his/her resources for another's profit or advantage.

THE CHILD PROTECTIVE SERVICES STATUTE¹²

The Child Protective Services (CPS) statute is the state law that establishes the Child Protective Services, a state agency mandated to protect children under 18 from abuse and neglect.

Under the CPS statute:

Abuse is:

the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to section 8-223 and which is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410.

Neglect is:

the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to provide services to meet the needs of a child

with a disability or chronic illness is solely the result of the unavailability of reasonable services.

Factors that Increase the Risk of Abuse and Neglect

A variety of factors often increase the vulnerability of people with disabilities abuse and neglect. Factors that increase risk include:

- ◆ Dependence on others for basic needs such as bathing, using the toilet, meal preparation, etc.
- ◆ Socialization to comply with the instructions of "those in charge," be they professionals, in-home workers, volunteers or family members. If the "person in charge" is physically or sexually abusive or neglectful, this learned compliance undermines the person's ability to seek protection.
- ◆ Living in group or institutional settings. It is important for staff at these facilities to teach appropriate behavior to their residents, and provide enough supervision that incidents of physical or sexual abuse do not occur.

Warning Signs of Abuse or Neglect

Family members, friends, and guardians should be aware of a number of signs of abuse, neglect, and exploitation. Below are some examples of things that should cause concern:

Signs of Abuse

- ◆ Unexplained bruises, welts, sores, cuts or abrasions in places they would normally not be expected
- ◆ Bruising and other injuries in different stages of healing
- ◆ Bruising or other markings reflect the shape of the objects used to inflict the injuries, e.g., electrical cord or belt buckles, etc.
- ◆ Bilateral bruising on upper arms from shaking

¹² ARS §8-201(2) .

- ◆ Fractures in different stages of healing
- ◆ Cigar and cigarette burns
- ◆ Submersion burns, e.g., burn shape is sock like, glove like, doughnut like shaped on buttocks. May be patterned like objects used, i.e., electric burner
- ◆ Rope burns on arms/wrists, legs/ankles from improperly tying or bandaging the client
- ◆ Cuts, lacerations, punctures, wounds
- ◆ Bruises, welts, discolorations, grip marks
- ◆ Any injury incompatible with the person's history of unexplained injuries and/or that doesn't fit with the given explanation of the injury
- ◆ Any injury which has not been properly cared for (sometimes injuries are hidden on areas of the body normally covered by clothing)
- ◆ Poor skin condition or poor skin hygiene
- ◆ Dehydration and/or malnourishment without illness-related cause
- ◆ Unexplained loss of weight
- ◆ Burns, possibly caused by cigarettes, caustics, acids or friction from ropes or chains, being dragged on the ground
- ◆ Over medication

Signs of Neglect:

- ◆ Bedsores (pressure sores)
- ◆ Unkempt, dirty, body odor, feces on body
- ◆ Clothing is insufficient or inappropriate for the weather
- ◆ Fleas and/or lice on individual
- ◆ Malnourished and/or dehydrated and/or sudden weight loss
- ◆ Little or no food available
- ◆ Soiled or urine soaked bedding
- ◆ Dirt, fecal/urine smell or other health and safety hazards in the person's living environment, including those from pets or animals
- ◆ Rashes or sores on the person
- ◆ Untreated medical condition

Signs of Financial Exploitation:

- ◆ Accompanied to the bank by stranger, family member or other person who encourages withdrawal of large amounts of cash or coerces them into making transactions
- ◆ Client not allowed to speak for themselves or make decisions
- ◆ Implausible explanation about what they are doing with their money
- ◆ Concerned or confused about "missing" funds in their accounts
- ◆ Neglected or receiving insufficient care given their needs or financial status
- ◆ Isolated from others, even family members
- ◆ Unable to remember financial transactions or signing paperwork

Signs of Sexual Abuse or Exploitation:

- ◆ Bleeding, bruising, infection, scarring or irritation to a person's genitals, rectum, mouth or breasts
- ◆ Genital pain or itching, sexually transmitted diseases
- ◆ Torn, stained or bloody underclothing
- ◆ Difficulty walking or sitting
- ◆ Changes in personal hygiene
- ◆ Weight gain or loss
- ◆ Ongoing, unexplained medical problems like stomachaches and headaches
- ◆ Depression, withdrawal or excessive crying spells
- ◆ Sudden avoidance or fear of specific people, specific genders or situations
- ◆ Any significant behavior change
- ◆ Acting out, attention seeking, aggression
- ◆ Sleep disturbances
- ◆ Self-destructive behavior
- ◆ Sexually inappropriate behaviors, compulsive masturbation, promiscuity
- ◆ Hints about sexual activity/new, detailed understanding of sexual behavior
- ◆ Urinating or defecating in clothing

Signs of Verbal Mistreatment/Abuse:

- ◆ Humiliating, insulting or threatening language directed at the person.
- ◆ Signs of helplessness, hesitation to talk openly, fear, withdrawal, depression, denial, agitation, anger, confusion or disorientation
- ◆ Non-compliance or overly compliant.

Tips for Documenting Abuse and Neglect

Take the following steps to document your concerns about abuse or neglect:

- ◆ Keep written notes of what happened and the date it happened, including documenting any verbal conversations you had about your concerns
- ◆ Keep copies of any written documents you file reporting the abuse/neglect and any documents you receive from oversight agencies
- ◆ Take pictures of any suspected injuries
- ◆ Take person to doctor to document injuries related to abuse/neglect

REPORTING SUSPECTED ABUSE AND/OR NEGLECT

Mandatory Reporting Requirements–Adults¹³

Arizona law requires the following people to immediately report suspected abuse, neglect, or financial exploitation of a vulnerable adult to APS:

- ◆ physician
- ◆ registered nurse practitioner
- ◆ hospital intern or resident
- ◆ surgeon
- ◆ dentist
- ◆ psychologist
- ◆ social worker
- ◆ peace officer
- ◆ any other person responsible for the care of the vulnerable adult who has reasonable basis to believe that abuse, neglect or exploitation occurred

If the initial report was not made in writing, mandated reporters must also mail or deliver a written report detailing the allegations within 48 hours of the initial report. Guardians must also immediately inform the Superior Court of any reports made to APS.

Mandatory Reporting Requirements–Children¹⁴

Arizona law also requires any person who has responsibility for the care or treatment of a child under 18 years old and suspects that the child is being abused, neglected, or exploited to report that suspicion to Child Protective Services.

Immunity from Civil or Criminal Liability for Making a Report

People who make mandatory reports of abuse or neglect to APS or CPS are immune from civil or criminal liability unless the person making the report is charged with, or suspected of, the abuse or neglect in question.

¹³ A.R.S. § 46-454

¹⁴ A.R.S. §13-3620(B)

Agencies that Investigate or Review Abuse and Neglect Reports

POLICE

Abuse and neglect of a person with a developmental disability is prohibited not only by Arizona's general criminal laws, such as those against assault, battery, and threatening and intimidation, but also by special laws that protect people with developmental disabilities. Therefore, if you suspect abuse and/or neglect, you should file a report with your local law enforcement agency, such as the police or sheriff.

ADULT PROTECTIVE SERVICES (APS)

Adult Protective Services is a state agency charged with protecting Arizona's incapacitated or vulnerable adults from abuse, neglect or exploitation by investigating these allegations. The agency has a 24-hour, toll-free hotline which accepts statewide reports of adult abuse, neglect and exploitation. APS can also offer appropriate protection services in accordance with individual needs and when accepted by the alleged victim.

Call the statewide hotline to make a complaint.

Statewide 24-Hour Adult Abuse Hotline 1-877-SOS-ADULT (1-877-767-2385)
APS Websites: www.azdes.gov/aaa/apsciu/default.asp

To get more information about APS, contact your local APS Office:

Maricopa County
1990 W. Camelback, Suite 302
Phoenix, Arizona 85015
(602)255-0996
Fax:(602) 420-9306

Gila County
605 S. 7th Street
Globe, Arizona 85501
(928)425-3101
Fax:(928)425-7950

Pima County
3131 N. Country Club Rd, Suite 206
Tucson, Arizona 85716
(520) 881-4066
Fax:(520)881-8232

Coconino County
397 Malpais Lane
Flagstaff, Arizona 86001
(928)213-3594
Fax:(928)773-1027

Graham County
1938 Thatcher Boulevard
Safford, Arizona 85546
(928)428-7702
Fax:(928)428-6578

Yuma County
1220 S. Fourth Ave.
Yuma, Arizona 85364
(928)782-9255
Fax:(928)343-2251

CHILD PROTECTIVE SERVICES (CPS)

Child Protective Services is state agency mandated to protect children from abuse and neglect. CPS receives, screens and investigates allegations of child abuse and neglect, performs assessments of child safety, assesses the imminent risk of harm to the children and evaluates conditions that support or refute the alleged abuse or neglect and need for emergency intervention. CPS can also offer appropriate protection services.

You can report suspected child abuse to the statewide hotline:

Arizona Child Abuse Hotline 1-888-SOS-CHILD (1-888-767-2445)

CPS Website: www.azdes.gov/dcyf/cmdps/cps/default.asp

DIVISION OF DEVELOPMENTAL DISABILITIES (DDD)

The Division of Developmental Disabilities is obligated to investigate allegations of abuse and neglect that occur in residential settings paid for by DDD.

In addition to any report made verbally to a DDD support coordinator, you should also file a written request for investigation with the DDD support coordinator **and** with the statewide DDD office. A form you can use to make this request is on the last page of this Guide.

After DDD conducts its investigation, you have the right to receive a copy of the investigation report, including any action that will be taken by DDD against the provider agency.

DDD HUMAN RIGHTS COMMITTEES (HRC)

DDD Human Rights Committees are groups of local citizens who provide independent oversight in matters related to the rights of people with developmental disabilities who are supported by the Division of Developmental Disabilities. Each DDD district has its own HRC.

Human Rights Committees usually meet once a month to:

- ◆ Review any incidents that may have involved neglect, abuse or denial of rights of people receiving supports
- ◆ Review programs which might infringe on the rights of people receiving supports, for example, programs which involve the use of behavior modifying medications
- ◆ Review any proposed research involving people receiving supports
- ◆ Make recommendations to the DDD about changes needed to protect the rights of people receiving supports

Any suspected rights violation of a person with developmental disabilities, such as mistreatment or discrimination, can be reported by any person to the HRC. If the HRC is not the best group to handle the concern, you will be referred to the appropriate agency. To file a complaint with your local HRC, contact your local DDD district office (see page 21) and tell them you wish to file a complaint with the HRC.

DIVISION OF LICENSING: GROUP HOMES FOR THE DEVELOPMENTALLY DISABLED

The Arizona Department of Health inspects group homes and other residential facilities for people with developmental disabilities to ensure that the DDD group homes comply with licensing requirements. The inspections are done by the Arizona Office of Special Licensing, Group Homes for the Developmentally Disabled.

This licensing and inspection is primarily concerned with the physical safety of the group home (i.e. fire alarms, hot water temperature, working appliances, etc.). This division does not oversee the quality of the services, the training of staff, or investigate allegations of abuse by staff. DDD is responsible for ensuring the quality of services and investigating allegations of abuse and neglect.

Therefore, only make complaints about health and safety to the licensing division.

Division of Licensing	602-364-2536
150 N. 18th Avenue, 4th Floor	602-364-4806 Fax
Phoenix, AZ 85007	www.azdhs.gov/als/grouphm/index.htm

DES OFFICE OF LICENSING, CERTIFICATION, AND REGULATION (OCR)

The DES Office of Licensing, Certification, and Regulation licenses adult and child foster homes, which DDD calls “development homes.” Under state law, this agency receives reports of complaints about services provided by the department and may refer those reports to licensing, contracting or program authorities, or law enforcement.

To file a complaint with OCR call 602-347-6340.

THE ROLE OF THE ARIZONA CENTER FOR DISABILITY LAW

The Arizona Center for Disability Law is a non-profit public interest law firm and the federally mandated protection and advocacy system for persons with disabilities in the state of Arizona. We advocate for the rights of persons with disabilities to be free from abuse, neglect and discrimination and to have access to housing, education, health care, employment and other services in order to maximize independence and achieve equality. The Center's federal investigation authority allows us to investigate incidents of abuse and neglect when they are reported to us.

All of the Center's services are provided free-of-charge and are provided based on our priorities, which are set after consultation with the disability community.

Unfortunately, we cannot investigate all allegations of abuse and/or neglect. Due to our funding and staffing levels, the Center primarily conducts secondary investigations of abuse or neglect that (1) resulted in serious physical injury and/or death or (2) highlights a systemic issue which the Center wants to address.

A secondary investigation is where the Center reviews the primary investigations conducted by the mandated state agencies, such as DDD, to ensure that these investigations complied with legal requirements and resulted in the necessary corrective actions. If the Center decides to conduct a secondary investigation, it is doing so as the federally mandated protection and advocacy agency, not as the attorney for the person with the developmental disability or that person's family.

If the Center determines that a primary investigation by a state oversight agency is deficient, we will often contact that agency to request that further investigation be done or that additional

corrective action be taken.

If you would like to report an incident of abuse or neglect to the Center, please call 1-800-927-2260.

PROTECTING THE PERSON FROM FURTHER ABUSE AND NEGLECT

People with developmental disabilities who are victims of abuse or neglect may need protective services to prevent the abuse or neglect from happening in the future.

Adult protective services are provided for all adults with developmental disabilities who receive services in the community. Individuals who are able to make their own decisions may refuse to accept offered services from APS.

DDD is also required to provide protective services, which may include:

- ◆ Requiring that the suspected staff person be removed from providing services until a full investigation is completed
- ◆ Moving the person with a disability to another residence or changing service providers, as long as the person and/or guardian agrees
- ◆ Taking immediate steps to prevent future abuse or neglect

Protection Against Retaliation for Reporting Suspected Abuse and/or Neglect

Some people may be reluctant to report suspected abuse and neglect that occurs at a DDD funded residence or service out of fear that DDD or the service provider will retaliate against the client by terminating current services or denying future services.

DDD regulations¹⁵ require that once a vendor (service provider), agrees to provide a service, that provider cannot unilaterally refuse to continue to provide the service. Any termination in services must be approved by DDD.

In addition, if services are reduced, the DDD member has the right to receive a written

¹⁵ A.A.C. R6-6-2107(O)

notice of this reduction and a right to file an appeal. If the member wants the current services to stay in place, the appeal must be filed within 10 days of the reduction decision. See the ACDL website for more information about how to file an appeal of a service reduction, termination, or denial (www.azdisabilitylaw.org).

COMPENSATION FOR INJURIES CAUSED BY ABUSE AND NEGLECT

If your loved one has suffered physical, psychological, or other types of injuries from abuse or neglect, you may have the right to file a lawsuit for monetary damages against the person, agency, or facility who caused or permitted the injury. Legal claims arising from abuse and neglect may include personal injury, wrongful death, or violation of Arizona's Adult Protective Services statute (A.R.S. § 46-455) or other state statutes.

Time for Filing Civil Lawsuits

Most laws have time periods for filing a lawsuit called "statute of limitations." To preserve your rights, you should contact an attorney as soon as you discover the alleged abuse and neglect to find out how long you have to file any legal action.

Lawyer Referral Services

Below is a list of state and local lawyer referral services. Most services will (1) talk with you about your problem (2) match you with a lawyer who specializes in your legal problem and (3) charge you a small fee for a half-hour appointment. If you want to retain the lawyer, you and the lawyer work out a payment schedule. Most injury/death cases are handled on a "contingency-fee" basis, meaning the attorney's fee is a percentage of the recovery. In most contingency-fee arrangements, the client is responsible for case costs (as opposed to court fees), regardless of the outcome of the lawsuit or claim.

State Bar of Arizona–Statewide	602-252-4804
To find a lawyer based on practice area	www.azbar.org/LegalResources/findlawyer.cfm

Maricopa County Bar Association	602-257-4434
	www.maricopabar.org/Iris/lawyerfinders.shtml

Pima County Bar Association

520-623-4625

www.pimacountybar.org/LRS%20Public.htm

The Arizona Center for Disability Law also maintains a referral list of attorneys in Arizona who specialize in personal injury and/or wrongful death cases. If you would like a copy of this list, please contact us.

PRACTICAL TIPS FOR PREVENTING ABUSE AND NEGLECT

Before your loved one begins to receive services, it is a good idea to meet with the service providers and/or visit the proposed group home, service agency, etc. You should be able to freely speak with the service providers about

- ◆ Their experience in working with people with developmental disabilities, particularly the disability/impairment level of your family member
- ◆ The extent of training they have received to work with people with disabilities
- ◆ How long they have worked with people with disabilities
- ◆ What their theory and practice is for working with people with challenging behaviors
- ◆ Whether, how frequently, and under what circumstances they have called the police to intervene with a person who is exhibiting challenging behaviors and/or is having a mental health crisis

Observing the following on an in-person visit may also indicate that people with developmental disabilities are at a heightened risk of abuse or neglect:

- ◆ Residents' lack of hygiene
- ◆ Bedsores (pressure sores) on residents
- ◆ Inadequate staff levels
- ◆ Unsafe environment: i.e. tears in carpet, broken furniture
- ◆ Urine or fecal odors
- ◆ Restrained residents
- ◆ Inadequate records
- ◆ Poor supervision of staff
- ◆ Unexplained injuries on residents
- ◆ Not enough food
- ◆ Inadequate clothing

RESOURCES

Legal Citations

DDD Statutes, Regulations, Policies & Admin Directives www.de.state.az.us/ddd/reference.asp

Websites

Arizona Center for Disability Law www.azdisabilitylaw.org

Adult Protective Services www.azdes.gov/aaa/apsciu/default.asp

Child Protective Services www.azdes.gov/dcyf/cps/

Arizona Governor's Council on Developmental Disabilities www.azgcdd.org/

Division of Developmental Disabilities www.de.state.az.us/ddd
DDD Human Rights Committees www.azdes.gov/DDD/faqs/faq_hrc.asp
DD Advisory Council www.azdes.gov/ddd/faqs/faq_ddac.asp

Parent Wise www.parent-wise.org/parent/qa/specialneeds.htm

An outreach project of the Department of Pediatrics in the Arizona Health Sciences Center in Tucson, AZ that acts as a clearinghouse of information by providing easy access to facts and strategies for those seeking to keep children safe from maltreatment in their homes and elsewhere. Webpage devoted to protecting kids with disabilities from abuse and neglect.

Can Do! Child Abuse and Neglect Disability Outreach Project

www.disability-abuse.com/cando/

A program of ARC Riverside, California. Website contains a wealth of information about preventing abuse and neglect against children with disabilities. Organization assists with training and conducts yearly conferences.

Publications

In the Name of Treatment: A Parent's
Guide to Protecting Your Child from
the Use of Restraint, Aversion
Interventions and Seclusion

www.tash.org/publications/parentguide/index.htm

**DIVISION OF DEVELOPMENTAL DISABILITIES
DISTRICT ADMINISTRATIVE OFFICES**

Statewide Administrative Office

1789 W. Jefferson St.
Phoenix, AZ 85007
Ph: 602-542-0419 / 1-866-229-5553
Fax: 602-542-6870

District I (Maricopa County)

4000 N. Central St., Ste. 900
Phoenix, AZ 85012
Ph: 602-246-0546
Fax: 602-246-0880

District II (Pima County)

400 W. Congress, Ste. 549
Tucson, AZ 85701
Ph: 520-628-6800
Fax: 520-628-6682 (Systems Improvement)

District III (Apache, Coconino, Navajo and Yavapai Counties)

2705 N. 4th St., Ste. A
Flagstaff, AZ 86004
Ph: 928-773-4957
Fax: 928-773-4994 (Quality Assurance)

District IV (La Paz, Mohave, and Yuma Counties)

350 W. 16th St., Ste. 232
Yuma, AZ 85364
Ph: 928-539-3152
Fax: 928-539-3195

District V (Pinal and Gila Counties)

110 S. Idaho Rd., #240

Apache Junction, AZ 85219

Ph: 480-982-0018

Fax: 480-982-7231

District VI (Cochise, Graham, Greenlee and Santa Cruz Counties)

209 Bisbee Rd.

Bisbee, AZ 85603

Ph: 520-432-5703

Fax: 520-432-5642

Request for Investigation of Alleged Abuse / Neglect of DDD Member

DDD Member Information:

Member Name: _____
Address: _____
City, State, Zip _____

AHCCCS ID #: _____
Date of Birth: _____
Phone: _____

Information about Person Filing Request for Investigation (if different from above):

Name: _____
Address: _____
City, State, Zip _____

Phone: _____
Relationship to Member: Parent
 Guardian Other _____

Information about Alleged Abuse/Neglect:

Please explain the incidents of alleged abuse/neglect you would like investigated. If possible, please include the following: date of incident(s); where incidents occurred; name, address and phone number of any witnesses. Please also include any supporting documents, such as photographs.

(Please use back of form or attach additional sheets if you need more room.)

Copy of Investigation Report

I would like a copy of the completed investigation report: Yes No

Signature: _____ **Date:** _____
 DDD Member Guardian Parent Other _____

Filed with: Manager **AND**
Office of Compliance & Review
1789 W. Jefferson / P.O. Box 6123
Phoenix, Arizona 85007
FAX: 602-364-2850

DDD Case Manager: _____
Division of Developmental Disabilities
Address: _____

Filed by: Certified Mail or fax (NO. _____) (recommended)
 US Mail Hand Delivered

Make sure to keep a copy of this completed form for your records!