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Financial Service Representatives Added to the List of Mandatory Reporters under Ohio's Elder Abuse Law

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Doctors, nurses, social workers, and first responders are the types of professionals thought of when it comes to reporting elder abuse. Yet in 2018 the Ohio General Assembly amended Ohio's Elder Abuse Law to include various financial services professionals to the list of mandatory reporters. Effective September 2018, accountants, bank employees, financial planners, investment advisers, and bank notaries all became mandatory reporters. Under Ohio law, a mandatory reporter must immediately report any instance in which the reporter has "reasonable cause to believe" that an adult (over 60) is subject to abuse, neglect, or exploitation. Reports are made to the county department of job and family services. The penalty for not reporting is a fine of no more than \$500.

What types of activities must be reported?

Financial services professionals are in a unique position to detect and report elder abuse as often perpetrators seek to exploit senior citizens financially. Besides this financial exploitation, elder abuse includes physical and emotional abuse, neglect, and abandonment. Neglect is the most common type of elder abuse in Ohio. Importantly, mandatory reporters do not need hard evidence of abuse, neglect, or exploitation before reporting. Instead, Ohio law requires reporting where the mandatory reporter has "reasonable cause to believe" abuse, neglect, or exploitation has occurred. Abuse, neglect, and exploitation can be challenging to detect as abused adults rarely speak out. Financial services representatives should be on the lookout for things like the sudden changing of beneficiaries, large transfers of funds, abrupt changes in financial documents, unauthorized or unexplained increase in ATM use, and the appearance of "new" family members. Any of these things alone could give rise to "reasonable cause." Conversely, a reasonable belief of abuse could stem from much less.

What information to provide?

When reporting suspected elder abuse, Ohio Adult Protective Services recommends that you at minimum, provide the following information to investigators: (1) names and addresses of the individual and his or her caregiver or guardian; (2) the individual's current location; (3) circumstances and as much specific information as possible about the suspected abuse, neglect, or exploitation; (4) information regarding any previous suspected incidents of abuse, neglect, or exploitation; (5) any other information that may help discover the cause or scope of the suspected abuse, neglect, or exploitation. Anonymous reports will be investigated, however they are not encouraged.

Are there protections for those reporting?

Yes. Section 5101.63 of the Revised Code protects mandatory reporters from civil or criminal liability resulting from their report of abuse, neglect, or exploitation so long as the reporter did not act in bad-faith or with malicious intent. The law also prohibits employers from taking adverse action against an employee who reports suspected elder abuse. The written and oral reports provided by reporters are confidential and thus are not discoverable under Ohio's public records law.