

Video 9

Abuse and Neglect

Welcome to the New Mexico Court's guide on abuse and neglect of a protected person.

In this video, we'll talk about how to identify and look for different types of abuse and neglect of a protected person, and how to report this abuse.

ABUSE AND NEGLECT

Guardians and conservators must understand that abuse or neglect in any form can happen to protected persons of any age, gender, or sexual orientation. You must always be on the lookout for signs of abuse and neglect and know how to report them.

There are several types of abuse to look out for: physical, sexual, emotional, and financial:

1. Physical abuse is when someone hurts another person on purpose.
2. Sexual abuse is sexual contact of any kind without the consent of the protected person.
3. Emotional abuse can be difficult to identify because there are usually no physical signs that it has occurred, but it affects the protected person psychologically. This type of abuse can include blaming, humiliating, ignoring, intimidating, isolating, or yelling at the protected person to make them feel bad or scared.
4. Financial abuse is when someone takes or gets access to the protected person's money or property without permission. This type of abuse can include getting access to the protected person's money, accounts, credit cards, property, investments, or other valuable items.

These types of abuse—physical, sexual, emotional, and financial—are *active* forms of abuse; the abuser is doing something to the protected person.

Neglect is another form of abuse, but it might look a bit different because it's *passive*. Neglect means failing to provide suitable food, shelter, clothing, supervision, or care for the protected person.

Remember, anyone can commit abuse or neglect. Victims are often harmed by someone they know, such as family members, friends, dating partners, or caregivers. As the guardian or the conservator, it's your job to look after the safety and well-being of the protected person, and to take steps to protect them from harm.

To prevent abuse or neglect, you are required to efficiently manage the time you spend with a protected person in the following ways:

- Keep notes of your visits to track any changes in the protected person's appearance, behaviors, and living conditions;
- Observe other people in their life and how they interact;
- Know which caregivers take care of the protected person; and
- Monitor finances regularly and look out for unusual or unauthorized transactions.

These observations may help in proving that the protected person is a victim of abuse or neglect.

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THE DUTY TO REPORT

New Mexico law requires that anyone who believes a protected person is being abused or neglected must immediately report that information to Adult Protective Services. You can find the contact details on the New Mexico Aging & Long-term Services Department website [nmaging.state.nm.us] under “Protecting Adults”.

If you observe activity that makes you feel that someone is breaking the law, or committing a crime against a protected person, including abusing them, you must also immediately notify local law enforcement, such as the police. The district attorney’s office has the power to file charges against an individual for physical, sexual, and financial abuse. Judges can remove a guardian or conservator from a case, but they do not have the power to file criminal charges.

Failing to report abuse or neglect or failing to help the authorities with an investigation is a misdemeanor and may result in a fine—so you should always report it if you can. But don’t worry, as long as you act in good faith, you cannot be held liable for making a report or helping the authorities with the investigation.

Your role is important. The court thanks you for taking on the responsibility of caring for a protected person and doing your best to ensure their well-being, safety, and dignity.