A GUIDE FOR FAMILIES

Family Action Kit

What to do if you suspect nursing home abuse or neglect



Something doesn't feel right. Here's what to do first.

A family action kit from Garcia & Coman, attorneys focused on nursing home abuse and neglect.

You noticed something: a bruise no one can explain, a sudden change in mood, a bed sore, a call light that goes unanswered. You don't need proof to act. You need a plan, and a record of what you see.

This kit gives you both.

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Keep this kit somewhere you'll see it, and bring it with you on every visit.

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STEP 1 / IMMEDIATE SAFETY

If someone is in danger, call 911

911

If your loved one is hurt, in danger, or needs medical care right now, call 911 first. Everything else in this kit can wait.

Call 911 if you see any of these signs

- A serious injury, a fall with pain, or a head injury
- Signs of physical or sexual assault
- Sudden confusion, trouble breathing, or signs of severe dehydration
- A threat from staff, another resident, or anyone else

Ask that your loved one be taken to a hospital for an independent exam. Hospital records are made by people who don't work for the facility.

Your first 48 hours

The first two days matter most, because injuries heal, memories fade and records get updated.

Take photos

Photograph any injury, bed sore, bruise, soiled bedding or unsafe condition. Turn on the date stamp, and photograph the same spot again on later visits.

Write down what you saw

Use the log on page 4. Include the date, time, and what staff told you in their own words.

Ask for an explanation

Ask for it in writing. Ask for the director of nursing or administrator by name.

Ask about an incident report

Ask whether one was filed. Write down who you asked and what they said.

Request the records

Use the records request letter in this kit.

Report your concern

Contact the agencies listed in *"Who to report to."*

Visit more often

If you can, visit at different times, including evenings and weekends.

Talk to a lawyer

Get advice before you sign anything the facility gives you.

Who to report to, in any state

You can report to more than one of these at once. Write each report in your log, including the date, who you spoke to, and any case or reference number.

911 or local police

Respond to emergencies and investigate suspected assault or other crimes.

Call 911 in an emergency.
For a nonemergency report, contact local police.

The facility

Ask for the administrator or director of nursing. The facility must look into the concern. Ask for their answer in writing.

Ask at the front desk for names.

State survey agency

The state agency that licenses and inspects nursing homes. Takes formal complaints and can investigate.

CMS state complaint contacts

Long-term care ombudsman

Free advocate for residents. Helps resolve complaints and protect residents' rights.

Find your state ombudsman

Adult Protective Services (APS)

Investigates abuse, neglect and exploitation of vulnerable adults.

NAPSA: Find your local APS

Eldercare Locator

Connects you to local agencies if you are unsure who to call.

1-800-677-1116
Monday to Friday, 8 a.m. to 9 p.m. ET

Reporting doesn't stop you from talking to a lawyer, and talking to a lawyer doesn't stop you from reporting.

Go to the incident and evidence log (p. 04)

DURING VISITS / AFTER A CONCERN

What to watch for and visit checklist

Changes you can see

- Bruises, cuts, broken bones or falls no one can explain
- Bed sores, or red skin that doesn't fade
- Weight loss, dry mouth, or uneaten meals
- Soiled clothes, bedding or poor hygiene

Changes in behavior or care

- Too much sleepiness or confusion, or a sudden change in medication
- Fear of certain staff, or new withdrawal, anxiety or silence
- Call lights that go unanswered, or missing staff

Mistakes families make

Waiting for proof

You don't need to be certain to report or to ask questions. Waiting lets injuries heal and records change.

Relying on phone calls

Verbal answers are easy to change later. Get explanations in writing, or write them down right after the call.

Signing without advice

Read anything you're asked to sign after an incident, and ask a lawyer first.

Throwing away evidence

Keep texts, voicemails, emails, photos, soiled clothing and anything the facility sends you.

Posting about it on social media

Posts can be used by the other side. Share details with the agencies and your lawyer instead.

Assuming it's too late

Deadlines to file a claim vary by state and can be short, so ask sooner rather than later.

Printable Visit Checklist

Bring a fresh copy to each visit. Check off what you were able to cover.

Date: _____ **Visit time:** _____

- [ ] **Talk one-on-one. If your loved one is comfortable, ask, “What’s been going well?” and “Is there anything you’d like help with?”**
- [ ] **Check what’s within reach. Can your loved one easily get to the things they use every day, such as their glasses, hearing aids, or phone?**
- [ ] **Notice how staff communicate. Do they speak directly to your loved one, explain what they’re doing, and give them time to respond?**
- [ ] **Ask about a part of the day you rarely see. What does getting ready for bed or starting the morning look like? What help is available then?**
- [ ] **Ask about everyday choices. Can your loved one choose when to get up, what to wear, or which activities to join?**

One question to bring to the next visit

Incident and evidence log

Use one entry for every visit, call or concern, even small ones. Patterns are often what make a case.

What to watch for and write down (p. 07)

Print extra copies as needed.

01 INCIDENT ENTRY

Date and time

Photos taken? ☐ Yes ☐ No

Who I spoke to (name and role)

What I saw or heard

What they said

Follow-up or report reference number

02 INCIDENT ENTRY

Date and time

Photos taken? ☐ Yes ☐ No

Who I spoke to (name and role)

What I saw or heard

What they said

Follow-up or report reference number

Get the records

Under federal rules for nursing homes that take Medicare or Medicaid, a resident or their legal representative has these rights.

24 hours

Inspect the records within this time after asking, excluding weekends and holidays.

2 working days

Give the facility this much advance notice when requesting copies.

The facility may charge a reasonable fee based on the cost of providing copies.
Ask in writing, keep a copy of your request, and note the date you sent it.

Date request sent _____

Sent to / delivery method _____

Records to ask for

Record	Date received	Missing items or notes
☐ Care plan and any recent changes to it		
☐ Nursing notes and progress notes		
☐ Medication administration records (what was given, when, by whom)		
☐ Physician orders		
☐ Incident, accident and fall reports		
☐ Wound care and skin assessments		
☐ Weight, food and fluid intake records		
☐ Hospital transfer records		

Follow-up

_____

_____

TEMPLATE 03 / COPY, FILL IN, AND SIGN

Records request letter

Keep a copy of the completed letter for your records.

TO THE FACILITY ADMINISTRATOR

Date _____ **Administrator name** _____

Facility name and address

_____

_____

Re: Records request

Resident full name _____ **Date of Birth** _____ **Room number** _____

I am the ☐ resident ☐ resident's legal representative. Relationship: _____

I am requesting to inspect and receive copies of all of the resident's records from the start date below to today. This includes the care plan, nursing and progress notes, medication administration records, physician orders, incident and fall reports, wound and skin assessments, and weight and intake records.

Start date for the records requested

_____

Please tell me when the records will be available for inspection and the cost of copies. Please send copies to the address or email below.

Your name _____ **Phone** _____

Email

_____

Mailing address

_____

_____

Signature

_____

When to talk to a lawyer

Talk to a lawyer as soon as you suspect abuse or neglect caused harm, especially if any of these apply.

- Your loved one had an unexplained injury, a serious fall, or a fracture
- You found a bed sore, or one got worse
- Your loved one was hospitalized, lost weight quickly, or became dehydrated
- Stories from staff that change, or don't match the injury
- The facility's explanation changed, or you can't get records
- Your loved one died, and you have questions about their care

A lawyer can request records, preserve evidence and tell you what your state's deadlines are.

GARCIA & COMAN

Free, confidential case review

Garcia & Coman focuses on nursing home abuse and neglect. We work on contingency. You pay no legal fees unless we recover money for you.

Get a Free Case Review (800) 281-8515 lawgarcia.com Se habla español.

Sources

CMS: State survey agency complaint contacts (July 20, 2022)

AARP: Find the long-term care ombudsman (Dec. 16, 2024)

National Consumer Voice: State ombudsman directory

NAPSA: Get help in your area

Eldercare Locator contact information

CANHR: Access to medical records in CA nursing homes (Sept. 10, 2026)

Electronic Code of Federal Regulations: § 483.10(g)(2)

Garcia & Coman: Phone and contingency terms

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