

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2735

Introduced by Assembly Member Chan

February 22, 2002

An act to amend ~~Section~~ *Sections 15633.5 and 15763* of the Welfare and Institutions Code, relating to adult abuse.

LEGISLATIVE COUNSEL'S DIGEST

AB 2735, as amended, Chan. Elder and dependent adult abuse.

Existing law sets forth the provisions for the reporting of known or suspected physical or other abuse, as defined, of an elder or dependent adult by specified persons and entities. Existing law requires that the identity of any person who reports known or suspected abuse and information relevant to the actual or suspected abuse shall be kept confidential and disclosed only to specified persons or entities.

This bill would expand the category of persons and entities who may receive and disclose information relevant to the known or suspected abuse of an elder or dependent adult and the identity of any person reporting it to include the office of the district attorney, the office of the public guardian, and the probate court.

Existing law, the Elder Abuse and Dependent Adult Civil Protections Act, sets forth provisions for the reporting of actual or suspected physical or other abuse of an elder or dependent adult by specified persons and entities, and imposes various requirements on state and local agencies in processing, investigating, and reporting on these reports.

Existing law, implemented only to the extent funds are provided in the annual Budget Act, requires a county to establish an emergency response adult protective services program to respond in-person immediately to reports of imminent danger to an elder or dependent adult or within 10 calendar days or as soon as practicably possible to all other reports of danger, except under specified circumstances.

This bill would exempt from these response and reporting requirements reports to the county that involve danger to an elder or dependent adult residing in specified facilities for the incarceration of prisoners when the abuse reportedly has occurred in one of those facilities.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15633.5 of the Welfare and Institutions
2 Code is amended to read:

3 15633.5. (a) Information relevant to the incident of elder or
4 dependent adult abuse may be given to an investigator from an
5 adult protective services agency, a local law enforcement agency,
6 the office of the district attorney, the office of the public guardian,
7 the probate court, the Bureau of Medi-Cal Fraud and Elder Abuse,
8 or the Department of Consumer Affairs, Division of Investigation
9 who is investigating the known or suspected case of elder or
10 dependent adult abuse.

11 (b) The identity of any person who reports under this chapter
12 shall be confidential and disclosed only under the following
13 circumstances:

14 (1) To an adult protective services agency, a long-term care
15 ombudsman program, a licensing agency, a local law enforcement
16 agency, the office of the district attorney, the office of the public
17 guardian, the probate court, the Department of Justice, Bureau of
18 Medi-Cal Fraud and Elder Abuse, the Department of Consumer
19 Affairs, Division of Investigation, or to counsel representing an
20 adult protective services agency, a long-term care ombudsman
21 program, a licensing agency, or a local law enforcement agency.

22 (2) By the Bureau of Medi-Cal Fraud and Elder Abuse to the
23 district attorney in a criminal prosecution.

24 (3) When persons reporting waive confidentiality.



1 (4) By court order.

2 (c) Notwithstanding subdivisions (a) and (b), any person
3 reporting pursuant to Section 15631 shall not be required to
4 include his or her name in the report.

5 *SEC. 2. Section 15763 of the Welfare and Institutions Code is*
6 *amended to read:*

7 15763. (a) Each county shall establish an emergency
8 response adult protective services program that shall provide
9 in-person response, 24 hours per day, seven days per week, to
10 reports of abuse of an elder or a dependent adult, for the purpose
11 of providing immediate intake or intervention, or both, to new
12 reports involving immediate life threats and to crises in existing
13 cases. The program shall include policies and procedures to
14 accomplish all of the following:

15 (1) Provision of case management services that include
16 investigation of the protection issues, assessment of the person's
17 concerns, needs, strengths, problems, and limitations, stabilization
18 and linking with community services, and development of a
19 service plan to alleviate identified problems utilizing counseling,
20 monitoring, followup, and reassessment.

21 (2) Provisions for emergency shelter or in-home protection to
22 guarantee a safe place for the elder or dependent adult to stay until
23 the dangers at home can be resolved.

24 (3) Establishment of multidisciplinary teams to develop
25 interagency treatment strategies, to ensure maximum coordination
26 with existing community resources, to ensure maximum access on
27 behalf of elders and dependent adults, and to avoid duplication of
28 efforts.

29 (b) (1) ~~Except as provided in paragraphs (2) and (3) and~~
30 ~~subdivision (c), a county shall respond immediately to any report~~
31 ~~of imminent danger to an elder or dependent adult residing in other~~
32 ~~than a long-term care facility, as defined in Section 9701 of the~~
33 ~~Welfare and Institutions Code, or a residential facility, as defined~~
34 ~~in Section 1502 of the Health and Safety Code. For reports~~
35 ~~involving persons residing in a long-term care facility or a~~
36 ~~residential care facility, the county shall report to the local~~
37 ~~long-term care ombudsman program. Adult protective services~~
38 ~~staff shall consult, coordinate, and support efforts of the~~
39 ~~ombudsman program to protect vulnerable residents. Except as~~
40 ~~specified in paragraph (2) or subdivision (c), the county shall~~



1 respond to all other reports of danger to an elder or dependent adult
2 in other than a long-term care facility or residential care facility
3 within 10 calendar days or as soon as practicably possible.

4 (2) An immediate or 10-day in-person response is not required
5 when the county, based upon an evaluation of risk, determines and
6 documents that the elder or dependent adult is not in imminent
7 danger and that an immediate or 10-day in-person response is not
8 necessary to protect the health or safety of the elder or dependent
9 adult.

10 (3) Until criteria and standards are developed to implement
11 paragraph (2), the county's evaluation pursuant to paragraph (2)
12 shall include and document all of the following:

13 (A) The factors that led to the county's decision that an
14 in-person response was not required.

15 (B) The level of risk to the elder or dependent adult, including
16 collateral contacts.

17 (C) A review of previous referrals and other relevant
18 information as indicated.

19 (D) The need for intervention at the time.

20 (E) The need for protective services.

21 (4) On or before April 1, 2001, and annually thereafter, the
22 State Department of Social Services shall submit a report to the
23 Legislature regarding the number of cases, by county, out of the
24 total number of cases reported to the counties, that were
25 determined not to require an immediate or 10-day in-person
26 response pursuant to paragraph (2), and the disposition of those
27 cases.

28 (c) *A county shall not be required to report or respond to a*
29 *report pursuant to subdivision (b) that involves danger to an elder*
30 *or dependent adult residing in any facility for the incarceration of*
31 *prisoners that is maintained or operated by the Federal Bureau of*
32 *Prisons, the Department of Corrections, the California*
33 *Department of the Youth Authority, a county sheriff's department,*
34 *a city police department, or any other law enforcement agency*
35 *when the abuse reportedly has occurred in that facility.*

36 (d) A county shall provide case management services to elders
37 and dependent adults who are determined to be in need of adult
38 protective services for the purpose of bringing about changes in the
39 lives of victims and to provide a safety net to enable victims to
40 protect themselves in the future. Case management services shall



1 include the following, to the extent services are appropriate for the
2 individual:

3 (1) Investigation of the protection issues, including, but not
4 limited to, social, medical, environmental, physical, emotional,
5 and developmental.

6 (2) Assessment of the person's concerns and needs on whom
7 the report has been made and the concerns and needs of other
8 members of the family and household.

9 (3) Analysis of problems and strengths.

10 (4) Establishment of a service plan for each person on whom
11 the report has been made to alleviate the identified problems.

12 (5) Client input and acceptance of proposed service plans.

13 (6) Counseling for clients and significant others to alleviate the
14 identified problems and to implement the service plan.

15 (7) Stabilizing and linking with community services.

16 (8) Monitoring and followup.

17 (9) Reassessments, as appropriate.

18 ~~(d)~~

19 (e) To the extent resources are available, each county shall
20 provide emergency shelter in the form of a safe haven or in-home
21 protection for victims. Shelter and care appropriate to the needs of
22 the victim shall be provided for frail and disabled victims who are
23 in need of assistance with activities of daily living.

24 ~~(e)~~

25 (f) Each county shall designate an adult protective services
26 agency to establish and maintain multidisciplinary teams
27 including, but not limited to, adult protective services, law
28 enforcement, home health care agencies, hospitals, adult
29 protective services staff, the public guardian, private community
30 service agencies, public health agencies, and mental health
31 agencies for the purpose of providing interagency treatment
32 strategies.

33 ~~(f)~~

34 (g) Each county shall provide tangible support services, to the
35 extent resources are available, which may include, but not be
36 limited to, emergency food, clothing, repair or replacement of
37 essential appliances, plumbing and electrical repair, blankets,



- 1 linens, and other household goods, advocacy with utility
- 2 companies, and emergency response units.

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