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AMENDED IN SENATE JANUARY 26, 2010
AMENDED IN SENATE JANUARY 4, 2010
AMENDED IN SENATE MAY 5, 2009
AMENDED IN SENATE APRIL 21, 2009
AMENDED IN SENATE MARCH 25, 2009

SENATE BILL

No. 110

Introduced by Senator Liu
(Coauthor: Senator Hollingsworth)
(Coauthor: Assembly Member Cook)

January 28, 2009

An act to amend Sections 11163.6, 11174.5, 11174.7, ~~13519.64~~
~~13515~~, 13823.16, ~~13836~~, 13836.1, and 14213 of, to amend the heading
of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title
1 of Part 4 of, to add ~~Section 13519.65~~ *Sections 368.5 and 13836.3* to,
and to add a heading as Chapter 13 (commencing with Section 368) to
Title 9 of Part 1 of, the Penal Code, and to amend Sections 4427, 4427.5,
15654, and 15763 of the Welfare and Institutions Code, relating to
people with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, Liu. People with disabilities: victims of crime.
Existing law regulates the investigation and prosecution of crimes
against a dependent adult, which is defined to include a person who is
between 18 and 64 years of age, inclusive, and who has a physical or
mental limitation which restricts his or her ability, or substantially

restricts his or her ability, to carry out normal activities or to protect his or her rights, including, but not limited to, a person who has a physical or developmental disability or whose physical or mental abilities have diminished, or significantly diminished, because of age. Under existing law, the term also includes any person between 18 and 64 years of age, inclusive, who is admitted as an inpatient to certain 24-hour health facilities.

Existing law authorizes any county to establish an interagency elder death *review* team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communications among persons who perform autopsies and persons involved in the investigation or reporting of elder abuse or neglect. Existing law establishes procedures for the sharing or disclosure of information by elder death review teams.

This bill would rename these teams “elder and dependent adult death review teams” and would expand the authority of these teams to cover dependent adult death, abuse, and neglect, as specified.

Existing law provides for the training of peace officers.

~~This bill would authorize every local law enforcement agency that participates in the Peace Officer Standards and Training program to provide training to its peace officers using a specified telecourse relating to crime victims with disabilities each time that telecourse is updated, as specified.~~

This bill would require the Commission on Peace Officer Standards and Training and the Bureau of Medi-Cal Fraud and Elder Abuse to consult with each other and with other subject matter experts when producing new or updated training materials relating to elder and dependent adult abuse, as specified.

Existing law regulates the procedures and practices of long-term care ombudsman programs, adult protective services agencies, as well as certain state agencies, relative to the protection, investigation, and reporting of suspected crimes involving persons with disabilities, as specified.

This bill would require the State Department of Developmental Services to either immediately report a case of suspected abuse or neglect of a person held in custody as developmentally disabled to local law enforcement, or ascertain the facts and then report confirmed cases of abuse to the local law enforcement agency, as specified.

Existing law provides for the creation of an advisory committee responsible for developing a course of training for district attorneys in the investigation and prosecution of sexual assault cases, child sexual

exploitation cases, and child sexual abuse cases. Existing law requires that the courses shall include training in the unique emotional trauma experienced by victims of these crimes. Existing law requires that the committee shall ~~exist~~ consist of 11 members of which 6 shall be public members appointed by the Commission on the Status of Women, as specified.

This bill would additionally require the courses to include training in the special problems of investigating and prosecuting these crimes when committed against individuals with disabilities. The bill would require that one of the appointees of the Commission on the Status of Women be an expert on crimes against persons with disabilities, appointed as specified.

~~Existing law requires the Attorney General to establish and maintain the Violent Crime Information Center to assist in the identification and the apprehension of persons responsible for specific violent crimes and the disappearance and exploitation of persons, particularly children and dependent adults. Within these provisions, the term “evidence that the person is at risk” includes, for purposes of missing persons, among other things, evidence or indications that a person is mentally impaired.~~

~~This bill would instead include, within the term “evidence that the person is at risk,” evidence that the person missing has a mental or physical disability.~~

Existing law provides that each county shall establish an emergency response adult protective services program that shall provide in-person response, 24 hours per day, 7 days per week, to reports of abuse of an elder or dependent adult, as specified.

This bill would make technical changes to those provisions.

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

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

1 SECTION 1. This act shall be known and may be cited as the
2 Crime Victims with Disabilities Act of 2010.

3 SEC. 2. The heading of Chapter 13 (commencing with Section
4 368) is added to Title 9 of Part 1 of the Penal Code, immediately
5 preceding Section 368, to read:

6
7 CHAPTER 13. CRIMES AGAINST ELDERS, DEPENDENT ADULTS,
8 AND PERSONS WITH DISABILITIES

1 *SEC. 3. Section 368.5 is added to the Penal Code, to read:*
2 *368.5. Local law enforcement agencies and state law*
3 *enforcement agencies with jurisdiction shall have concurrent*
4 *jurisdiction to investigate elder and dependent adult abuse and*
5 *all other crimes against elder victims and victims with disabilities.*

6 ~~SEC. 3.~~

7 *SEC. 4. Section 11163.6 of the Penal Code is amended to read:*

8 11163.6. In order to ensure consistent and uniform results, data
9 may be collected and summarized by the domestic violence death
10 review teams to show the statistical occurrence of domestic
11 violence deaths in the team's county that occur under the following
12 circumstances:

13 (a) The deceased was a victim of a homicide committed by a
14 current or former spouse, fiancé, or dating partner.

15 (b) The deceased was the victim of a suicide, was the current
16 or former spouse, fiancé, or dating partner of the perpetrator and
17 was also the victim of previous acts of domestic violence.

18 (c) The deceased was the perpetrator of the homicide of a former
19 or current spouse, fiancé, or dating partner and the perpetrator was
20 also the victim of a suicide.

21 (d) The deceased was the perpetrator of the homicide of a former
22 or current spouse, fiancé, or dating partner and the perpetrator was
23 also the victim of a homicide related to the domestic homicide
24 incident.

25 (e) The deceased was a child of either the homicide victim or
26 the perpetrator, or both.

27 (f) The deceased was a current or former spouse, fiancé, or
28 dating partner of the current or former spouse, fiancé, or dating
29 partner of the perpetrator.

30 (g) The deceased was a law enforcement officer, emergency
31 medical personnel, or other agency responding to a domestic
32 violence incident.

33 (h) The deceased was a family member, other than identified
34 above, of the perpetrator.

35 (i) The deceased was the perpetrator of the homicide of a family
36 member, other than identified above.

37 (j) The deceased had a disability and the homicide was related
38 to domestic violence.

39 (k) The deceased was a person not included in the above
40 categories and the homicide was related to domestic violence.

1 ~~SEC. 4.~~

2 *SEC. 5.* The heading of Article 2.7 (commencing with Section
3 11174.4) of Chapter 2 of Title 1 of Part 4 of the Penal Code is
4 amended to read:

5
6 Article 2.7. Elder and Dependent Adult Death Review Teams
7

8 ~~SEC. 5.~~

9 *SEC. 6.* Section 11174.5 of the Penal Code is amended to read:

10 11174.5. (a) Each county may establish an interagency elder
11 and dependent adult death *review* team to assist local agencies in
12 identifying and reviewing suspicious elder and dependent adult
13 deaths and facilitating communication among persons who perform
14 autopsies and the various persons and agencies involved in elder
15 and dependent adult abuse or neglect cases.

16 (b) Each county may develop a protocol that may be used as a
17 guideline by persons performing autopsies on elders and dependent
18 adults to assist coroners and other persons who perform autopsies
19 in the identification of elder and dependent adult abuse or neglect,
20 in the determination of whether elder or dependent adult abuse or
21 neglect contributed to death or whether elder or dependent adult
22 abuse or neglect had occurred prior to, but was not the actual cause
23 of, death, and in the proper written reporting procedures for elder
24 and dependent adult abuse or neglect, including the designation
25 of the cause and mode of death.

26 (c) *As used in this section, the term “dependent adult” has the*
27 *same meaning as in Section 368, and applies regardless of whether*
28 *the person lived independently.*

29 ~~SEC. 6.~~

30 *SEC. 7.* Section 11174.7 of the Penal Code is amended to read:

31 11174.7. (a) An oral or written communication or a document
32 shared within or produced by an elder and dependent adult death
33 review team related to an elder or dependent adult death review
34 is confidential and not subject to disclosure or discoverable by
35 another third party.

36 (b) An oral or written communication or a document provided
37 by a third party to an elder and dependent adult death review team,
38 or between a third party and an elder and dependent adult death
39 review team, is confidential and not subject to disclosure or
40 discoverable by a third party.

1 (c) Notwithstanding subdivisions (a) and (b), recommendations
2 of an elder and dependent adult death review team upon the
3 completion of a review may be disclosed at the discretion of a
4 majority of the members of the elder and dependent adult death
5 review team.

6 ~~SEC. 7. Section 13519.64 of the Penal Code is amended to~~
7 ~~read:~~

8 ~~13519.64. (a) The Legislature finds and declares that research,~~
9 ~~including “Special Report to the Legislature on Senate Resolution~~
10 ~~18: Crimes Committed Against Homeless Persons” by the~~
11 ~~Department of Justice (2002); “Crimes Against Homeless Persons”~~
12 ~~and “Crimes Against Persons with Disabilities” in “Protecting~~
13 ~~Californians from Hate Crimes: A Progress Report” by the Senate~~
14 ~~Office of Research (2004); “Voices from the Street: A Survey of~~
15 ~~Homeless Youth by Their Peers” by the California Research~~
16 ~~Bureau (2008); and “Hate, Violence, and Death On Main Street~~
17 ~~USA: A Report on Hate Crimes and Violence Against People~~
18 ~~Experiencing Homelessness 2007” by the National Coalition for~~
19 ~~the Homeless and the National Law Center on Homelessness and~~
20 ~~Poverty (2008), has demonstrated that California has serious~~
21 ~~unaddressed problems of crime against homeless persons, including~~
22 ~~homeless persons with disabilities and homeless youth.~~

23 ~~(b) (1) By July 1, 2005, the Commission on Peace Officer~~
24 ~~Standards and Training (POST), using available funding, shall~~
25 ~~develop a two-hour telecourse to be made available to law~~
26 ~~enforcement agencies that participate in and comply with the POST~~
27 ~~program in California on crimes against homeless persons and on~~
28 ~~how to deal effectively and humanely with homeless persons,~~
29 ~~including homeless persons with disabilities. The telecourse shall~~
30 ~~include information on multimission criminal extremism, as defined~~
31 ~~in Section 13519.6. In developing the telecourse, the commission~~
32 ~~shall consult subject-matter experts including, but not limited to,~~
33 ~~homeless and formerly homeless persons in California, service~~
34 ~~providers and advocates for homeless persons in California, experts~~
35 ~~on the disabilities that homeless persons commonly suffer, the~~
36 ~~California Council of Churches, the National Coalition for the~~
37 ~~Homeless, the Senate Office of Research, and the Criminal Justice~~
38 ~~Statistics Center of the Department of Justice.~~

39 ~~(2) Every local law enforcement agency that participates in and~~
40 ~~complies with the POST program may provide the telecourse,~~

1 ~~“Law Enforcement Response to Homelessness Update,” to its~~
2 ~~peace officers.~~

3 ~~SEC. 8. Section 13519.65 is added to the Penal Code, to read:~~

4 ~~13519.65. (a) Every state law enforcement agency that~~
5 ~~participates in and complies with the POST program may provide~~
6 ~~training to its peace officers using the telecourse “Crime Victims~~
7 ~~with Disabilities,” produced by the Commission on Peace Officer~~
8 ~~Standards and Training and the Department of Justice, each time~~
9 ~~that the commission, the department, or both the commission and~~
10 ~~the department update the telecourse to reflect changes in law,~~
11 ~~standards, and information since they produced the telecourse in~~
12 ~~2002.~~

13 ~~(b) Every local law enforcement agency that participates in and~~
14 ~~complies with the POST program may provide training to its~~
15 ~~officers using the telecourse “Crime Victims with Disabilities,” if~~
16 ~~the commission, the department, or both the commission and the~~
17 ~~department update the telecourse.~~

18 ~~SEC. 8. Section 13515 of the Penal Code is amended to read:~~

19 ~~13515. (a) Every city police officer or deputy sheriff at a~~
20 ~~supervisory level and below who is assigned field or investigative~~
21 ~~duties shall complete an elder and dependent adult abuse training~~
22 ~~course certified by the Commission on Peace Officer Standards~~
23 ~~and Training within 18 months of assignment to field duties.~~
24 ~~Completion of the course may be satisfied by telecourse, video~~
25 ~~training tape, or other instruction. The training shall, at a minimum,~~
26 ~~include all of the following subjects:~~

27 ~~(a)~~

28 ~~(1) Relevant laws.~~

29 ~~(b)~~

30 ~~(2) Recognition of elder and dependent adult abuse.~~

31 ~~(c)~~

32 ~~(3) Reporting requirements and procedures.~~

33 ~~(d)~~

34 ~~(4) Neglect of elders and dependent adults.~~

35 ~~(e)~~

36 ~~(5) Fraud of elders and dependent adults.~~

37 ~~(f)~~

38 ~~(6) Physical abuse of elders and dependent adults.~~

39 ~~(g)~~

40 ~~(7) Psychological abuse of elders and dependent adults.~~

1 ~~(h)~~
2 (8) The role of the local adult protective services and public
3 guardian offices.

4 ***(b) When producing new or updated training materials pursuant***
5 ***to this section, the commission shall consult with the Bureau of***
6 ***Medi-Cal Fraud and Elder Abuse and other subject matter experts.***
7 ***Any new or updated training materials shall address all of the***
8 ***following:***

9 ***(1) The jurisdiction and responsibility of law enforcement***
10 ***agencies pursuant to Section 368.5.***

11 ***(2) The fact that the protected classes of “dependent person”***
12 ***as defined in Section 288 and “dependent adult” as defined in***
13 ***Section 368 include many persons with disabilities, regardless of***
14 ***the fact that most of those persons live independently.***

15 ***(3) Other relevant information and laws.***

16 ***(c) When the commission offers or provides new or updated***
17 ***training materials pursuant to this section, the commission also***
18 ***may inform the law enforcement agencies of other relevant training***
19 ***materials.***

20 SEC. 9. Section 13823.16 of the Penal Code is amended to
21 read:

22 13823.16. (a) The Comprehensive Statewide Domestic
23 Violence Program established pursuant to Section 13823.15 shall
24 be collaboratively administered by the California Emergency
25 Management Agency (Cal EMA) and an advisory council. The
26 membership of the (Cal EMA) Domestic Violence Advisory
27 Council shall consist of experts in the provision of either direct or
28 intervention services to victims of domestic violence and their
29 children, within the scope and intention of the Comprehensive
30 Statewide Domestic Violence Assistance Program.

31 (b) The membership of the council shall consist of domestic
32 violence victims’ advocates, battered women service providers, at
33 least one representative of service providers serving the lesbian,
34 gay, bisexual, and transgender community in connection with
35 domestic violence, and representatives of women’s organizations,
36 law enforcement, and other groups involved with domestic
37 violence. At least one-half of the council membership shall consist
38 of domestic violence victims’ advocates or battered women service
39 providers from organizations such as the California Partnership to
40 End Domestic Violence. It is the intent of the Legislature that the

1 council membership reflect the ethnic, racial, cultural, and
2 geographic diversity of the state, including people with disabilities.
3 The council shall be composed of no more than 13 voting members
4 and two nonvoting ex officio members who shall be appointed, as
5 follows:

6 (1) Seven voting members shall be appointed by the Governor.

7 (2) Three voting members shall be appointed by the Speaker of
8 the Assembly.

9 (3) Three voting members shall be appointed by the Senate
10 Committee on Rules.

11 (4) Two nonvoting ex officio members shall be Members of the
12 Legislature, one appointed by the Speaker of the Assembly and
13 one appointed by the Senate Committee on Rules. Any Member
14 of the Legislature appointed to the council shall meet with the
15 council and participate in its activities to the extent that
16 participation is not incompatible with his or her position as a
17 Member of the Legislature.

18 (c) The Cal EMA shall collaborate closely with the council in
19 developing funding priorities, framing the request for proposals,
20 and soliciting proposals.

21 (d) This section shall remain in effect only until January 1, 2015,
22 and as of that date is repealed, unless a later enacted statute, that
23 is enacted before January 1, 2015, deletes or extends that date.

24 ~~SEC. 10. Section 13836 of the Penal Code is amended to read:~~

25 ~~13836. The agency or agencies designated by the Director of~~
26 ~~Finance pursuant to Section 13820 shall establish an advisory~~
27 ~~committee which shall develop a course of training for district~~
28 ~~attorneys in the investigation and prosecution of sexual assault~~
29 ~~cases, child sexual exploitation cases, and child sexual abuse cases~~
30 ~~and shall approve grants awarded pursuant to Section 13837. The~~
31 ~~courses shall include training in the unique emotional trauma~~
32 ~~experienced by victims of these crimes and the special problems~~
33 ~~of investigating and prosecuting these crimes when committed~~
34 ~~against individuals with disabilities.~~

35 ~~SEC. 11.~~

36 *SEC. 10.* Section 13836.1 of the Penal Code is amended to
37 read:

38 13836.1. (a) The committee shall consist of 11 members. Five
39 shall be appointed by the executive director of the agency or
40 agencies designated by the Director of Finance pursuant to Section

1 13820, and shall include three district attorneys or assistant or
2 deputy district attorneys, one representative of a city police
3 department or a sheriff or a representative of a sheriff's department,
4 and one public defender or assistant or deputy public defender of
5 a county. Six shall be public members appointed by the
6 Commission on the Status of Women, and shall include one
7 representative of a rape crisis center, one expert on crimes against
8 persons with disabilities, and one medical professional experienced
9 in dealing with sexual assault trauma victims. The committee
10 members shall represent the points of view of diverse ethnic and
11 language groups.

12 (b) The requirement that the Commission on the Status of
13 Women appoint an expert on crimes against victims with
14 disabilities shall take effect upon the occurrence of the first vacancy
15 for a member appointed by the commission, other than the member
16 who represents a rape crisis center or the member who is a medical
17 professional, on or after January 1, 2011.

18 (c) Members of the committee shall receive no compensation
19 for their services but shall be reimbursed for their expenses actually
20 and necessarily incurred by them in the performance of their duties.
21 Staff support for the committee shall be provided by the agency
22 or agencies designated by the Director of Finance pursuant to
23 Section 13820.

24 *SEC. 11. Section 13836.3 is added to the Penal Code, to read:*
25 *13836.3. The course of training pursuant to Section 13836*
26 *shall include training on the special problems of investigating and*
27 *prosecuting the crimes specified in that section when committed*
28 *against individuals with disabilities.*

29 SEC. 12. Section 14213 of the Penal Code is amended to read:

30 14213. (a) As used in this title, "missing person" includes, but
31 is not limited to, a child who has been taken, detained, concealed,
32 enticed away, or retained by a parent in violation of Chapter 4
33 (commencing with Section 277) of Title 9 of Part 1. It also includes
34 any child who is missing voluntarily or involuntarily, or under
35 circumstances not conforming to his or her ordinary habits or
36 behavior and who may be in need of assistance.

37 (b) As used in this title, "evidence that the person is at risk"
38 includes, but is not limited to, evidence or indications of any of
39 the following:

40 (1) The person missing is the victim of a crime or foul play.

- 1 (2) The person missing is in need of medical attention.
2 (3) The person missing has no pattern of running away or
3 disappearing.
4 (4) The person missing may be the victim of parental abduction.
5 (5) The person missing ~~has a mental or physical disability is~~
6 *mentally impaired*.
7 (c) As used in this title, “child” is any person under the age of
8 18.
9 (d) As used in this title, “center” means the Violent Crime
10 Information Center.
11 (e) As used in this title, “dependent adult” is any person
12 described in subdivision (h) of Section 368, *regardless of whether*
13 *the person lives independently*.
14 (f) As used in this title, “dental or medical records or X-rays,”
15 include all those records or X-rays which are in the possession of
16 a dentist, physician and surgeon, or medical facility.
17 SEC. 13. Section 4427 of the Welfare and Institutions Code is
18 amended to read:
19 4427. (a) When the department has reason to believe that any
20 person held in custody as developmentally disabled is wrongfully
21 deprived of his or her liberty, is cruelly or negligently treated, that
22 inadequate provision is made for the skillful medical care, proper
23 supervision, and safekeeping of that person, or is otherwise the
24 victim of a crime, the department shall do either of the following:
25 (1) Report the case immediately to the local police ~~department~~
26 ~~or sheriff’s office or sheriff’s department~~ that has jurisdiction.
27 (2) Ascertain the facts. It may issue compulsory process for the
28 attendance of witnesses and the production of papers, and may
29 exercise the powers conferred upon a referee in a superior court.
30 It may make such orders for the care and treatment of that person
31 as it deems proper. If the department ascertains that the person is
32 the victim of a crime, the department shall report the case
33 immediately to the local ~~law enforcement agency~~ *police or sheriff’s*
34 *department* that has jurisdiction.
35 (b) Whenever the department undertakes an investigation into
36 the general management and administration of any establishment
37 or place of detention for the developmentally disabled, it may give
38 notice of such investigation to the Attorney General, who shall
39 appear personally or by deputy, to examine witnesses in attendance

1 and to assist the department in the exercise of the powers conferred
 2 upon it in this code.

3 (c) The department may at any time cause the patients of any
 4 county or city almshouse to be visited and examined, in order to
 5 ascertain if developmentally disabled persons are kept therein.

6 (d) *When the department has reason to believe that any person*
 7 *with a developmental disability who receives community services*
 8 *through a regional center has been the victim of a crime, the*
 9 *department shall report the case immediately to the local police*
 10 *or sheriff's department that has jurisdiction.*

11 (e) *The reporting requirements of this section are in addition*
 12 *to, and do not substitute for, the reporting requirements of*
 13 *mandated reporters.*

14 SEC. 14. Section 4427.5 of the Welfare and Institutions Code
 15 is amended to read:

16 4427.5. (a) (1) A developmental center shall immediately
 17 report all resident deaths and serious injuries of unknown origin
 18 to the appropriate local law enforcement agency, which may, at
 19 its discretion, conduct an independent investigation.

20 (2) The reporting requirements of this subdivision are in addition
 21 to, and do not substitute for, the reporting requirements of
 22 mandated reporters.

23 (b) The department shall do both of the following:

24 (1) Annually provide written information to every developmental
 25 center employee regarding all of the following:

26 (A) The statutory and departmental requirements for mandatory
 27 reporting of suspected or known abuse.

28 (B) The rights and protections afforded to individuals' reporting
 29 of suspected or known abuse.

30 (C) The penalties for failure to report suspected or known abuse.

31 (D) The telephone numbers for reporting suspected or known
 32 abuse or neglect to designated investigators of the department and
 33 to local law enforcement agencies.

34 (2) On or before August 1, 2001, in consultation with employee
 35 organizations, advocates, consumers, and family members, develop
 36 a poster that encourages staff, residents, and visitors to report
 37 suspected or known abuse and provides information on how to
 38 make these reports.

39 SEC. 15. Section 15654 of the Welfare and Institutions Code
 40 is amended to read:

1 15654. (a) As described in subdivision (h) of Section 12528
2 of the Government Code, the bureau shall offer training programs
3 to local law enforcement and prosecutorial personnel in
4 investigating and prosecuting crimes against elders and dependent
5 adults, and to the State Department of Health Care Services, the
6 State Department of Social Services, the county adult protective
7 services agencies and to the long-term care ombudsman program
8 in evaluating and documenting criminal abuse against elders and
9 dependent adults.

10 (b) *When producing new or updated training materials pursuant*
11 *to this section, the bureau shall consult with the Commission on*
12 *Peace Officer Standards and Training and other subject matter*
13 *experts. Any new or updated training materials shall address all*
14 *of the following:*

15 (1) *The jurisdiction and responsibility of law enforcement*
16 *agencies pursuant to Section 368.5 of the Penal Code.*

17 (2) *The fact that the protected classes of “dependent person”*
18 *as defined in Section 288 of the Penal Code and “dependent adult”*
19 *as defined in Section 368 of the Penal Code include many persons*
20 *with disabilities, regardless of the fact that most of those persons*
21 *live independently.*

22 (3) *Other relevant information and laws.*

23 (c) *When the bureau offers or provides new or updated training*
24 *materials pursuant to this section, the bureau also may inform the*
25 *agencies of other relevant training materials.*

26 ~~SEC. 15.~~

27 *SEC. 16.* Section 15763 of the Welfare and Institutions Code
28 is amended to read:

29 15763. (a) Each county shall establish an emergency response
30 adult protective services program that shall provide in-person
31 response, 24 hours per day, seven days per week, to reports of
32 abuse of an elder or a dependent adult, for the purpose of providing
33 immediate intake or intervention, or both, to new reports involving
34 immediate life threats and to crises in existing cases. The program
35 shall include policies and procedures to accomplish all of the
36 following:

37 (1) Provision of case management services that include
38 investigation of the protection issues, assessment of the person’s
39 concerns, needs, strengths, problems, and limitations, stabilization
40 and linking with community services, and development of a service

1 plan to alleviate identified problems utilizing counseling,
2 monitoring, followup, and reassessment.

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

6 (3) Establishment of multidisciplinary teams to develop
7 interagency treatment strategies, to ensure maximum coordination
8 with existing community resources, to ensure maximum access
9 on behalf of elders and dependent adults, and to avoid duplication
10 of efforts.

11 (b) (1) A county shall respond immediately to any report of
12 imminent danger to an elder or dependent adult in other than a
13 long-term care facility, as defined in Section 9701 of the Welfare
14 and Institutions Code, or a residential facility, as defined in Section
15 1502 of the Health and Safety Code. For reports involving persons
16 in a long-term care facility or a residential care facility, the county
17 shall report to the local long-term care ombudsman program. Adult
18 protective services staff shall consult, coordinate, and support
19 efforts of the ombudsman program to protect vulnerable residents.
20 Except as specified in paragraph (2), the county shall respond to
21 all other reports of danger to an elder or dependent adult in other
22 than a long-term care facility or residential care facility within 10
23 calendar days or as soon as practicably possible.

24 (2) An immediate or 10-day in-person response is not required
25 when the county, based upon an evaluation of risk, determines and
26 documents that the elder or dependent adult is not in imminent
27 danger and that an immediate or 10-day in-person response is not
28 necessary to protect the health or safety of the elder or dependent
29 adult.

30 (3) The State Department of Social Services, in consultation
31 with the County Welfare Directors Association, shall develop
32 requirements for implementation of paragraph (2), including, but
33 not limited to, guidelines for determining appropriate application
34 of this section and any applicable documentation requirements.

35 (4) Notwithstanding Chapter 3.5 (commencing with Section
36 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
37 the department shall implement the requirements developed
38 pursuant to paragraph (3) by means of all-county letters or similar
39 instructions prior to adopting regulations for that purpose.
40 Thereafter, the department shall adopt regulations in accordance

1 with the requirements of Chapter 3.5 (commencing with Section
2 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

3 (c) A county shall not be required to report or respond to a report
4 pursuant to subdivision (b) that involves danger to an elder or
5 dependent adult residing in any facility for the incarceration of
6 prisoners that is operated by or under contract to the Federal Bureau
7 of Prisons, the Department of Corrections and Rehabilitation, a
8 county sheriff's department, a county probation department, a city
9 police department, or any other law enforcement agency when the
10 abuse reportedly has occurred in that facility.

11 (d) A county shall provide case management services to elders
12 and dependent adults who are determined to be in need of adult
13 protective services for the purpose of bringing about changes in
14 the lives of victims and to provide a safety net to enable victims
15 to protect themselves in the future. Case management services
16 shall include the following, to the extent services are appropriate
17 for the individual:

18 (1) Investigation of the protection issues, including, but not
19 limited to, social, medical, environmental, physical, emotional,
20 and developmental.

21 (2) Assessment of the person's concerns and needs on whom
22 the report has been made and the concerns and needs of other
23 members of the family and household.

24 (3) Analysis of problems and strengths.

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

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

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

30 (7) Stabilizing and linking with community services.

31 (8) Monitoring and followup.

32 (9) Reassessments, as appropriate.

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

38 (f) Each county shall designate an adult protective services
39 agency to establish and maintain multidisciplinary teams including,
40 but not limited to, adult protective services, law enforcement,

1 probation departments, home health care agencies, hospitals, adult
2 protective services staff, the public guardian, private community
3 service agencies, public health agencies, and mental health agencies
4 for the purpose of providing interagency treatment strategies.

5 (g) Each county shall provide tangible support services, to the
6 extent resources are available, which may include, but not be
7 limited to, emergency food, clothing, repair or replacement of
8 essential appliances, plumbing and electrical repair, blankets,
9 linens, and other household goods, advocacy with utility
10 companies, and emergency response units.